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United States
Commission on Industrial Relations

Report on the Colorado Strike

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By GEORGE P. WEST

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INTRODUCTION.

Of the conflicts between employers and workmen that occurred during the life of the Commission on Industrial Relations, the most serious and portentous was that which followed the strike of about 9,000 coal miners in southern Colorado.

The Commission has devoted more time to an effort to ascertain the causes and all the circumstances of the Colorado strike than to the study of any other particular situation, not only because of the numbers involved and the wide public interest aroused, but because the struggle in Colorado presented an unequalled opportunity to study some of the major problems that must be considered in an attempt to discover the underlying causes of industrial unrest.

To understand the Colorado situation in its relation to the general problem, it is necessary first to draw a rough line between the two principal classifications into which industrial disturbances fall. On the one side are the spontaneous revolts and the organized strikes of wage earners who are impelled to act by the pressure of economic necessity, or by the conviction that their collective power is sufficiently great to force an increase in wages or other purely material advantage. On the other side of the line are those revolts that are animated primarily, not by the need and desire for higher wages and greater material blessings, but by resentment against the possession and the exercise by the employer of arbitrary power.

The struggle in Colorado was primarily a struggle against arbitrary power, in which the question of wages was secondary, as an immediate issue. And the merits of the strikers' cause must be judged by an answer to the question of whether they and their representatives demanded arbitrary and tyrannical power for their collective organization, or whether they sought only that measure of control over their own lives that is guaranteed by the spirit and letter of American constitutions and statutes.

Involving as its major issue the demand of the miners for a voice in determining the conditions under which they worked, the Colorado conflict was also a struggle for a voice in determining political and social conditions in the communities where they and their families lived. The strikers passionately felt and believed that they were denied, not only a voice in fixing working conditions within the mines, but that political democracy, carrying with it rights and privileges guaranteed by the laws of the land, had likewise been flouted and repudiated by the owners. It was this latter belief that gave to the strikers that intensity of feeling which impelled them to suffer unusual hardships during their stay in the tent colonies, and which gave to the strike the character more of a revolt by entire communities than of a protest by wage earners only.

In judging the merits of the miners' demand for collective bargaining, for that share in the management of the industry itself which is called industrial democracy, the Colorado strike must be considered as one manifestation of a world-wide movement of wage earners toward an extension of the principles of democracy to the work shop, the factory and the mine. And because this issue is not local or peculiar to the particular industry, and because it is the root from which the other issues spring, it must be regarded as of chief importance.

Briefly stated, and in a phrase commonly heard, it is the issue of whether or not the owners of an enterprise commanding the labor of hundreds or thousands of men have the right to run their business in their own way, without consultation with or dictation from their employees, or their employees' chosen agents.

Closely related, however, is the other issue of whether or not political democracy and that degree of personal liberty promised by American institutions existed in the Colorado coal camps, of whether or not the miners and their families enjoyed their full social and political rights, as distinguished from the industrial rights for which also they contended. It is an issue that has arisen time and again in communities given over to a single industry, or to closely-related industries under centralized control, and it raises the question of whether or not political liberty be possible in a community where every man's livelihood depends on the good will and the favor of a handful of men who control his opportunity to work. Experience in the Colorado coal camps and in many similar communities proves that all the safeguards yet devised for the free exercise of the popular will are futile to prevent political domination when corporations or individuals control absolutely the industrial and economic life of the community. The secret ballot, direct primaries, the initiative, referendum and recall, are alike powerless to secure an effective means of expression for the popular will and interest. Democratic government in such communities can be defeated without resort to illegal practices such as ballot box stuffing and corruption on the part of election officials. This is true because the right of suffrage can be effectively exercised only where there exist free speech, free assembly, and a free press. Not even the most intelligent groups of voters can be informed regarding their rights and interests in relation to the issues and candidacies of a political campaign unless there be free discussion and agitation, and these things are impossible where free speech, free assembly, and a free press are denied. These three essentials of democratic government can be denied with ease by a corporation or individual possessed of the power to discharge an employee without cause. Company spies can easily identify employees who express offensive political opinions, who read newspapers or periodicals that express political views contrary to the interests of the employer, or who attend public meetings that are addressed by speakers or candidates opposed to the interests of the employer.

It is true that a few states provide for the transmission to each voter of short printed arguments for and against certain measures on which the people are to ballot. This is done only when the initiative, referendum and recall are invoked, and the practice has not been extended to issues involved in candidacies. But it cannot be considered seriously as a substitute for active agitation through personal and public discussion and a free press. This is true even for the most intelligent of communities. But many large groups most in need of legislative and executive consideration from the political government are not yet sufficiently familiar with the language to understand and to weigh short printed arguments, although they might be quite capable of arriving at an intelligent decision if they could meet together, formally and informally, for a free discussion of the issues.

And because the denial of political liberty in such a community rests firmly on arbitrary control of the opportunity of the wage earner to work, it is plain that political and social domination, where it exists in such cases, is but the child of industrial domination, of arbitrary control in the workshop. Thus it is apparent that the paramount issue in this and similar strikes is the demand for a more democratic control of the industry itself. For political and social liberties in isolated and privately-controlled communities like the Colorado coal camps can be secured only through the securing of a measure of industrial liberty. By industrial liberty is here meant an organization of industry that will insure to the individual wage earner protection against arbitrary power in the hands of the employer.

The Colorado coal mining industry presents an instance of the development of natural resources in isolated and unsettled territory by private capital organized in large companies and operating on a large scale. The industry had attained a considerable development thirty years ago, and many of the camps are from fifteen to thirty years old. The testimony of operators that at the outset it was necessary for the owners to perform all the functions of the civil government and in addition to supervise all the activities of community life is plausible and worthy of credence. But to justify the continuance up to the present of this all-inclusive company control, it is necessary to show that the inhabitants of the coal camps were unwilling or unfitted to perform for themselves those functions which ordinarily, in an American community, belong to the citizenship. Before considering this question further, it will be well to discuss a proposal frequently advanced as a remedy for private domination in such communities.

In addition to other arguments in favor of public ownership of such natural resources as coal mines, proponents of public ownership urge that only the State or Federal Government can be permitted to wield the power that necessarily is lodged with the management of a newly-created industrial community situated in isolated and unsettled territory. The subject of private ownership of such resources in its relation to industrial unrest is considered elsewhere by the Commission. It need not be considered here. For while public ownership doubtless would have prevented many of the evils that arose in Colorado, the issue is in reality between the workmen and the management, and public ownership with the same men holding control and responsibility might have offered no solution. The important thing is to discover how the workshop and the mine can be organized in relation to the wage earners in such fashion that the employees may be assured of justice and the greatest possible degree of liberty, regardless of where the title to the property rests. Unless this is done, there can be no guarantee of industrial justice and peace. For the experience of certain European countries where state ownership exists proves that public ownership alone is no cure for industrial evils.

Coming as amazing evidence of the repudiation of American principles by certain small but powerful groups, is the allegation frequently heard during the Colorado controversy that the inhabitants of the coal camps, being largely of foreign birth and speech, were incapable of either political self-government or of exercising a voice in determining their working conditions. Such an acceptance of the political philosophy that justified slavery half a century ago hardly needs serious consideration. Granting that social and political conditions in the coal camps could be worse than those which existed under coal company domination, and granting that they actually would be worse under a truly democratic control, the nation even then could not complacently tolerate a benevolent despotism. But no such concession can be made. There is ample testimony to prove the capacity for civic and social progress inherent in the populations of coal mining camps composed just as were those of southern Colorado—of a small minority of English-speaking miners and their families and a majority of recently-arrived Europeans. Besides the testimony of officials of the United Mine Workers who have studied the needs of the foreign-born miners and who have watched their progress, the Commission has the following significant testimony from Francis S. Peabody of Chicago, a mine owner who operates on a scale larger than that of any of the Colorado companies:

> *Commissioner O'Connell:* In the non-union days you speak of, before you came to an agreement, what was the standard of the miner's living as compared to the present time?
>
> *Mr. Peabody:* The standard of the work is very much better and the standard of his living very much better. There has been a wonderful improvement, and I am very thankful of it, too.
>
> *Commissioner Weinstock:* How do the private habits of the mine workers today compare with the private habits of the mine workers of 1897?
>
> *Mr. Peabody:* From my knowledge of them—and I am with them a great deal, I have been building mining towns, and so forth—the average is very much higher, I think. There is a very much higher class of men, although, as Mr. Mitchell said, the English speaking and Anglo-Saxon element is diminishing very rapidly, and we are taking our miners from southern Italy and northern Italy, the Hungarians and the Slavs, and so forth, a very large percentage of them. We are losing our old English and Welsh miners very largely.

Commissioner Weinstock: There is a higher degree of sobriety now than there was?

Mr. Peabody: I think so.

Commissioner Weinstock: And also a higher grade of morality?

Mr. Peabody: I think so, I think the whole standard of the miner has improved greatly. I have been very much interested with my friend (John) Mitchell, (former president of the United Mine Workers), in going to miners' houses, to see his picture hanging there rather enshrined. He is rather typical of a higher being. I am not joking in this. I am very serious. I am very fond of Mitchell and I think his work and the work that has been done has elevated the whole standard of their lives. Mitchell is there more as an ideal than as a person. He has done wonders for the men socially, and in every other kind of way. They are no longer beasts, as many of those miners were, but they are becoming intelligent, argumentative, distinct human beings.

Commissioner Weinstock: Has not that been brought about also largely through the increased leisure that affords them opportunities for cultivating their minds?

Mr. Peabody: I think that is very largely so.

Commissioner Weinstock: The development of their work in the unions?

Mr. Peabody: Yes. These debating societies, and the unions are debating societies.

It should be noted that Mr. Mitchell was in charge of the Colorado strike of 1903-4, which in bitterness paralleled that of 1913-14, and that the men who led the recent strike were lieutenants and associates of Mitchell.

Again in his testimony before the Commission Mr. Peabody said:

Commissioner Delano: I judge from what you said about the improvement of the miners, do you ascribe any of that to the existence of the organization and the existence of the agreement that the organization has brought about? Have their moral standards improved, and their living standards improved?

Mr. Peabody: I think it has had a great deal to do with the improvement, their officers, and talks and teachings of their officers, the fact that they were getting better wages, everything has added to that.

The Acting Chairman: Have you had occasion to observe—I suppose you never have had occasion to observe the Italian and Polish people in the unorganized places, as to how they compare in discipline, and so on, where they are not organized?

Mr. Peabody: Yes; I have been in unorganized, non-union villages, where the standard seems to be lower than the same class of men that I find in our own districts, union districts.

Mr. Peabody's testimony is corroborated by the reports of investigators for the Commission, who have visited the coal mining towns of Pennsylvania where foreign-born miners are members of the United Mine Workers. (See Perlman report on anthracite region.)

Assuming, as we must, that the miners of southern Colorado are capable of exercising the rights guaranteed every man by the laws of the land, the question remains whether or not they have hitherto submitted to the industrial, political and social domination of the companies without protest. If this were the fact, then the revolt of 1913-14 might more easily be attributed to agitation by union officials from other districts and not to the miners' deep-seated resentment and their determination to obtain their rights and liberties.

The history of the coal mining industry shows that, far from living complacently under company rule, the Colorado miners have revolted time and again during the past thirty years. Strikes have occurred each ten years since 1883. In 1903, during John Mitchell's incumbency as president of the United

Mine Workers, miners in the same camps affected by the recent strike quit work for similar reasons and under circumstances very much resembling those of the 1913 strike. The report of the United States Bureau of Labor shows that the history of this earlier strike was almost identical with the history of the strike of 1913. Strikers and their leaders were deported from the state by the military authorities of Colorado; large numbers of armed guards in the employ of the companies terrorized the strikers' communities and ruthlessly disregarded their civil rights. The strike was defeated by these methods, and the mines were re-opened with strike breakers recruited from the immigrant population of non-union eastern coal mining towns. Lacking as they were in radical or revolutionary background, these strike breakers themselves struck ten years later.

The recurrence of these strikes as evidence of the miners' intense dissatisfaction is strengthened by the difficulties that attended their efforts to organize and the hardships that inevitably were to be faced by those who quit work.

In considering the facts that will be here presented, too much emphasis cannot be laid on the close relationship, already pointed out, that exists between the purely economic status of the inhabitants of the coal camps on the one hand, and their social and political status on the other. Nothing has come home with greater force in the course of the investigations of the Commission than the realization that men and women who are economically subservient cannot be politically free, that the forms of democracy and the guarantees of American institutions are hollow and meaningless in communities where the many must depend on the favor of the few for the opportunity to obtain food, clothing and shelter.

Nor must the importance of the issue here raised be minimized in the belief that the Colorado camps stand in a peculiar and exceptional case. Not only are many great industries carried on under similar conditions, with entire communities depending upon enterprises under centralized control, but even in the larger industrial centers, the opportunities to obtain relief from oppressive conditions by shifting employment are rapidly lessening. The Commission's records present evidence (See Los Angeles, transcript of hearing), that a city of more than 350,000 may be brought under an economic control almost as arbitrary as that charged against the Colorado mine operators. And while in this city the wage earners were free to seek relief in a radical political movement, their efforts thus far have failed, because the wage earners found themselves a minority in a community where the majority proved ignorant of and indifferent to the issues involved.

It is believed that public opinion is all-powerful, and that more is to be hoped from an intelligent public understanding of the issues involved in such instances than from any other agency. For there is no influence strong enough to prevent an irresistible popular demand for effective remedies if the public come to a realization that the principles and ideals for which men fought and died in 1776 and 1861 are here at stake.

Statements of fact in this report will be based on testimony given before the Commission at public hearings in Denver, New York and Washington, and also upon documentary evidence gathered by the Commission and its agents. Wherever such statements seem subject to controversy, specific reference will be made to the authority.

In the transcripts of public hearings and other records of the Commission may be found in great detail all of the uncontroverted facts relating to the strike, as well as the controverted claims of the principals on each side, and this report will undertake to set forth an analysis of the facts and to emphasize their significance without recounting the history of the strike in greater detail than is needful for the purpose.

CHAPTER I.

Causes of the Strike.

The Colorado strike was a revolt by whole communities against arbitrary economic, political and social domination by the Colorado Fuel & Iron Company and the smaller coal mining companies that followed its lead. This domination has been carried to such an extreme that two entire counties of southern Colorado for years have been deprived of popular government, while large groups of their citizens have been stripped of their liberties, robbed of portions of their earnings, subjected to ruthless persecution and abuse, and reduced to a state of economic and political serfdom. Not only the government of these counties, but of the state, has been brought under this domination and forced or induced to do the companies' bidding, and the same companies have even flouted the will of the people of the nation as expressed by the President of the United States.

Economic domination was achieved by the Colorado Fuel & Iron Co. and its followers through the ruthless suppression of unionism, accomplished by the use of the power of summary discharge, the black list, armed guards, and spies, and by the active aid of venal state, county and town officials, who placed the entire machinery of the law at the disposal of the companies in their persecution of organizers and union members.

This economic domination was maintained by the companies in order that they might be free to obey or disregard state laws governing coal mining as they pleased; arbitrarily determine wages and working conditions; and retain arbitrary power to discharge without stated cause. The power to discharge was in turn used as a club to force employees and their families to submit to company control of every activity in the mining communities, from the selling of liquor and groceries to the choice of teachers, ministers of the gospel, election judges, and town and county officials. In the cases of several companies, the suppression of unionism was used also to deny checkweighmen to the men in order that the miners might be cheated of part of their earnings.

Political domination was achieved by the companies by the use of their monopoly of employment to suppress free speech, free press and free assembly, by the appointment of company officials as election judges, by the formation of a political partnership with the liquor interests, and, in the case of the Colorado Fuel & Iron Company, also by the expenditure of large sums of money to influence votes during campaigns, and by resort to other forms of fraud and corruption. Where a public official refused to do their bidding, he was whipped into line through pressure from interests that responded to the economic power of the Colorado Fuel and Iron Company and its followers.

This political domination was maintained by the companies in order that they might ignore or defy state laws enacted to safeguard the interests of their employees, prevent legislation by state or county unfavorable to their interests and obtain such legislation as they wished, control coroners and judges and thus prevent injured employees from collecting damages; and flagrantly disregard the constitutional and statutory guarantees that otherwise would have prevented them from procuring the imprisonment, deportation or killing of union organizers and strikers.

The policies and acts of the executive officials of the Colorado Fuel & Iron Company, and of the other companies that acted with them, had the hearty support and endorsement of the greatest and most powerful financial interest in America, that of John D. Rockefeller, and his son, John D. Rockefeller, Jr., who controlled the company through ownership of approximately 40 per cent of its stocks and bonds. Letters from Mr. Rockefeller,* Jr., heartily approving of his company's refusal to meet representaives of the strikers, of the measures taken to suppress the strike, and of the coercion of the governor that resulted in throwing the state troops on the side of the owners, were shown not only to executive officers of his company, but to other operators who followed its lead, and his support contributed largely to the unyielding and lawless policy that finally resulted in the horrors of the Ludlow massacre and the intervention of the federal government.

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*The name "Mr. Rockefeller" is hereafter used to designate Mr. Rockefeller, Jr.

After the system of political and economic absolutism outlined above had driven the miners to revolt, the owners not only obstinately refused to admit the possibility of any grievance, but at a time when they could have prevented a strike by merely granting a conference to the union officials, they chose instead to refuse the conference and in doing so made themselves responsible for the disasters and tragedy that followed. Letters from the president and chairman of the executive board of the Colorado Fuel & Iron Company to Mr. Rockefeller's office show that these officers fully realized the gravity of the situation before the strike, and also that they believed a strike could have been averted by the mere granting of a conference. Yet their refusal even to meet representatives of the union had from the beginning the warm approval and endorsement of Mr. John D. Rockefeller, Jr.

The refusal of the operators to accede to any plan for settlement involving a personal meeting between themselves and the strike leaders or any slightest recession from their original attitude continued throughout the strike, and eventually took the form of a rejection, amounting to a rebuff, of a plan that was urged upon them by the president of the United States and that was supported by the public opinion of the Nation. This continued and persistent defiance of the public interest, as that interest was urged upon them by the highest representative of the people, continued to have the support and endorsement of Mr. Rockefeller, without which there is doubt that it could have been sustained.

Mr. Rockefeller not only rebuffed the President by denying his earnest request, but, if the letters of his agents may be relied upon, he apparently deceived the President and the public by means of the Company's letter of rejection. This letter was written by President Welborn in collaboration with Mr. Ivy L. Lee, a member of Mr. Rockefeller's personal staff, whom he had sent to Colorado for the purpose. Mr. Rockefeller's personal staff in New York had become impressed with the strong public sentiment supporting the President's proposal, and in drafting their letter of rejection to the President. Messrs. Welborn and Lee inserted the following:

> A plan to secure harmonious relations in some industries or sections of the country would not necessarily apply to our peculiar conditions. We are now developing an even more comprehensive plan, embodying the results of our practical experience, which will, we feel confident, result in a closer understanding between ourselves and our men. This plan contemplates not only provision for the redress of grievances, but for a continuous effort to promote the welfare and the good will of our employees.

This letter was signed by Mr. Welborn and was dispatched on September 18, 1914. On the following day, September 19, Mr. Welborn wrote to Mr. Murphy, Mr. Rockefeller's personal attorney in New York:

> I appreciate your very thoughtful letter of the 16th inst., with suggestions for consideration IN THE EVENT OF ITS BEING NECESSARY TO PROPOSE SOME PLAN TO TAKE THE PLACE OF THAT PRESENTED TO US BY THE PRESIDENT.

Every statement of fact contained in the foregoing summary will be established in this report by quotations from the correspondence or testimony of responsible executive officials of the Colorado Fuel & Iron Company and of Mr. Rockefeller and members of his personal staff. If this company is mentioned more frequently than others it is because the Colorado Fuel & Iron Company was the largest operator in Colorado, and admittedly led the others in formulating and carrying out policies during the strike.

As a result of the failure of the strike and the political activity of the Colorado Fuel & Iron Company and its associates in the campaign of 1914, the power of the coal companies in Colorado is today greater than ever before. The Commission is told by Mr. W. L. Mackenzie King, expert on industrial relations for Mr. Rockefeller, Jr., that Mr. Rockefeller's will and conscience are today the most potent factor to be considered in any effort to bring about an improvement of conditions. While physical and material conditions in the coal camps may be improved to some extent as a result of the publicity given to existing abuses, these improvements, if they come, will be granted as a charity, and there is as yet no indication that the inhabitants of the coal camps are nearer the achievement of industrial and political democracy than they were when the strike began. On the other hand, the arrest, prosecution and conviction of union officials and strikers, with the aid of attorneys and detectives in the employ of the Colorado Fuel & Iron Company, and by direction of public officials placed in office largely through the company's influence, indicate plainly that the reverse is true. How the Colorado Fuel & Iron Company obtained the new lease of political power by which it procured these prosecutions is well shown by the following extract from the testimony of Mr. L. M. Bowers, chairman of the executive department of the company, given before the Commission in Washington on May 24. Mr. Bowers had testified that the Company turned 150 men out of its offices on election day to work for prohibition, which was bound up with the candidacies of Mr. Carlson for governor and Mr. Farrar for attorney general. Both these candidacies were successful.

> *Mr. Bowers:* Let me explain. I don't mean we turned them out to carry the election. It was on election day, but we were out on the campaign and had a fight on and had practically no funds to carry on the campaign, and they wanted men to do the work, to do the ward work and distribute literature and all that sort of thing; and the coal operators, not only the coal operators but everybody that was interested in the question of prohibition at the election turned out their office men, and I had been —by the way I had nothing to do with picking out that

one hundred and fifty men, and I did not know it until the next day after they had been out.

Chairman Walsh: Didn't you use the prohibition sentiment that was strong in the State to get support for what you called the law and order platform, that was, for the Colorado Fuel & Iron Company and the others to aid in the ruthless prosecution of the strikers and the union officers, and a relentless policy of suppressing those men?

Mr. Bowers: It was all interlinking and locked together.

The company's deep interest in prohibition quite slips President Welborn's mind when he writes to Mr. Rockefeller the following exultant letter, dated Nov. 6, 1914:

> My Dear Mr. Rockefeller:
>
> According to the figures received today, which are practically complete, the plurality of Carlson, Republican candidate for governor, over Patterson, is approximately 33,000. The plurality of Farrar, Democratic candidate for attorney general, over his next opponent, the Republican, is almost 38,000.
>
> Farrar is the present incumbent in the office to which he has just been elected, and has been about the only reliable force for law and order in the State House. His re-election serves to emphasize the sentiment in favor of law and order, expressed in the election of the main part of the Republican ticket.
>
> Mr. Farrar has been very actively engaged for several months in connection with the work of grand juries in various coal counties, where indictments have been brought against those who participated in the rioting.
>
> Very truly yours,
>
> (Signed) J. F. Welborn.

Mr. Rockefeller also forgets the prohibition cause, on account of which Mr. Bowers says 150 men were turned out of the Company's office as election workers. He writes:

> Dear Mr. Welborn:
>
> I have just returned to the city, after an absence of several weeks in the South with my wife, and find your letter of Nov. 26th regarding the gratifying plurality for Carlson for Governor and Farrar for Attorney General. It would seem that the election of this Republican Governor and the re-election of this Democratic Attorney General, both of whom have established clear records as to their strong stand for law and order, would indicate that the sentiment of the people of Colorado is for law and order, quite irrespective of party lines.
>
> Very cordially,
>
> (Signed) John D. Rockefeller, Jr.

In pursuance of the "law and order" policy on which they were elected, Governor Carlson and Attorney General Farrar have proceeded vigorously with the prosecution of union officials and strikers. Their most conspicuous success came with the conviction on a charge of murder in the first degree of Mr. John R. Lawson, member of the executive board of the United Mine Workers of America and the most conspicuous Colorado official of that organization. Mr. Lawson is an old resident of Colorado. He had worked his way from breaker boy to a position where he commands the respect and friendship of large numbers of the state's best citizens. He has appeared twice before the Commission, and members of the Commission and its agents have investigated carefully his record and character. As a consequence, he is believed to be a man of exceptionally high character and a good citizen in every sense of the term. The judge before whom he was tried was appointed by Governor Carlson after serving the Colorado Fuel & Iron Company as attorney and assisting in the preparation of cases against strikers. The panel from which the jury was drawn was selected by the Sheriff of Las Animas County, an official whose sympathies have been with the mine owners from the beginning. Much of the evidence on which he was convicted came from men in the employ of a detective agency retained by the coal companies. The killing of John Nimmo, a mine guard, by the strikers during one of the many skirmishes between them and the deputies was the crime for which Mr. Lawson was convicted. No effort was made to prove that he fired the fatal shot. He was held responsible for the death of Nimmo because he was leading the strike and was at the Ludlow tent colony on the day of the battle. Nimmo was one of a small army of deputy sheriffs, employed and paid by the coal companies and deputized by subservient sheriffs who made little or no effort to investigate their records. Thus Sheriff Jefferson Farr of Huerfano County testified before this Commission that the men to whom he gave deputies' commissions might have been, so far as he knew, red-handed murderers fresh from the scene of their crimes. That many guards deputized in this illegal fashion and paid by the Colorado Fuel & Iron Company were men of the lowest and most vicious character has been clearly established. That their function was to intimidate and harass the strikers had been demonstrated in the strike of 1903, 1904, and had been made apparent early in the present strike by the shooting to death of Gerald Lippiatt, a union organizer, in the streets of Trinidad immediately after the calling of the strike, by a Baldwin-Felts detective employed by the Colorado Fuel & Iron Company and its associates and deputized by the sheriff of Las Animas County. In fact it was to these deputies, then masquerading as national guardsmen, that national guard officers attempted to attribute the murder, looting and pillage that accompanied the destruction of the Ludlow tent colony of strikers later in the strike.

On August 17 the Supreme Court of Colorado issued an order prohibiting Judge Granby Hillyer, who presided at Mr. Lawson's trial, from presiding at other trials of strikers or strike leaders, on the ground that he had been, just prior to his appointment, an attorney for the Colorado Fuel & Iron Company and the other operators. The Court also issued a writ of supersedas permitting the Lawson case to come before it on its merits.

The prosecution and conviction of Mr. Lawson under these circumstances, and his sentence to life imprisonment at hard labor, marked the lowest depths of the prostitution of Colorado's government to the will of the Colorado Fuel & Iron Company and its associates. It is the crowning infamy of all the infamous record in Colorado of American institutions perverted and debauched by selfish private interests. It is anarchism stripped of every pretense of even that chimerical idealism that fires the unbalanced mind of the bomb thrower. It is anarchism for profits and revenge, and it menaces the security and integrity of American institutions as they seldom have been menaced before.

Attorney General Farrar's bias in favor of the owners and his conception of fairness is well shown by his comment on the grand jury which met at Trinidad in August, 1914, and which under his direction returned indictments against 124 strikers and strike leaders. Of this jury Mr. Farrar testified before the Commission in Denver:

> I desire to say here that regardless of the reports which have been made, I have never seen a more fair-minded body of men gathered together under conditions such as prevailed there than were the twelve men who constituted that grand jury, and the charges which were made that they were absolutely one-sided and partisan are absolutely without foundation whatever.

Following is the composition of this grand jury as reported by Mr. John A. Fitch of the staff of The Survey, an investigator of established reliability and fairness:

J. S. Caldwell, proprietor of a shoe store. Formerly with the Colorado Supply Company, the company store department of the Colorado Fuel and Iron Company.

James Roberts, public trustee. Secretary to F. R. Wood, president of the Temple Fuel Company.

Charles Rapp, assistant cashier Trinidad National Bank, of which W. J. Murray, general manager of the Victor-American Fuel Company is stockholder and director. Formerly with Colorado Supply Company.

Henry C. Cossam, rancher. Deputy sheriff since April 25, 1914. Participated in one of the so-called battles.

J. H. Wilson, real estate and insurance agent. Deputy sheriff since September 30, 1909. In charge of the deputies who attacked the Forbes tent colony October 17, 1913.

William C. Riggs, rancher, whose son, W. E. Riggs, has been a deputy sheriff since January 20, 1911, and was in some of the battles in the fall of 1913.

J. W. Davis, a Trinidad barber.

D. J. Herron, life insurance agent in Trinidad.

E. E. Phillips, rancher, Hoehne, Colo.

John Webber, a Trinidad merchant.

Frank Godden, proprietor Hotel St. Elmo, Trinidad.

David West, justice of the peace, Aguilar, Colo.

Mr. Farrar's bias is further indicated by these additional extracts from his testimony at Denver:

> *Chairman Walsh:* What steps, if any, did you take to ascertain whether or not the military authorities and other authorities of the strike down there were acting in conformity with the constitution and statutes of the State, and whether or not the civil authorities were being deprived in any way of their powers?
>
> *General Farrar:* Very little. During the time the militia was there, I was not in touch with the situation in an official capacity, except as it came to me through the Governor with the exception of one or two instances. General Chase and I did not have any conference. He was at Trinidad, and during the time the militia was in the field I was not at Trinidad although on two occasions I sent my deputy down to Trinidad, in order to be able

to assist along certain lines which were then under discussion. And I therefore say that my relationship with the military authorities was largely indirectly through the Governor. I did, of course, know in a general way what was being done down there, and what lines were being followed; but it was not a definite daily report or information coming to me. I will say further in that respect that there were a number of attorneys in the National Guard, and that some of these were advising General Chase as to the local situation. My advice was, of course, of a more general nature and was always to the Governor with the exception of the two occasions when General Chase and I met in conference here.

Chairman Walsh: Do you know whether or not the testimony taken before the Military Commission, of which Major Boughton was the head, was preserved?

General Farrar: No, I know nothing of it. I have never seen the testimony and can not answer your questions.

Chairman Walsh: Did your office make any effort to ascertain whether or not the civil rights of any person had been violated or abused?

General Farrar: You mean by this Military Commission?

Chairman Walsh: Yes, by the Military Commission.

General Farrar: Yes.

Chairman Walsh: Was there any such abuse or violation?

General Farrar: Not that I was able to learn. Now I must qualify that by saying that I have not seen the testimony and my information concerning it is of a general nature. * * *

Asked by Chairman Walsh: "Have you ever gone over the list (of National Guardsmen) to ascertain whether or not the law had been violated in reference to the enrollment of the men in the mine?" he replied: "Only through consulting the officers in charge of that matter."

Chairman Walsh: What steps, if any, have been taken by your office to investigate the occurrence at Ludlow of April 20, 1914?

General Farrar: I have taken every opportunity or every step which opportunity afforded me. As stated before I did not have and have not seen the testimony—the evidence taken by the Military Court Martial, relative to that question. * * *

Chairman Walsh: I am asked to inquire of you if you know about the looting of saloons and the destruction and confiscating of liquors in the Snodgrass store at Ludlow, also the complete destruction of bakeries, rooming houses and private residences at Ludlow by the militia?

General Farrar: I know nothing of it.

General Farrar did give his attention to the question of whether or not the State troops acted legally under Governor Ammon's original orders, prohibiting them from acting as escorts for imported strikebreakers. He testified before this Commission that he went to Governor Ammons and advised him that such a policy was not justified by law and should be abandoned.

The same authorities who conducted this and other successful prosecutions of strikers have taken no steps to prosecute Lieutenant K. E. Linderfelt of the Colorado National Guard, or other members of the guard who took part in the wanton slaughter of three unarmed strikers held prisoners at Ludlow, and in the burning of the Ludlow tent colony which resulted in the death by suffocation and burning of thirteen women and children. Yet at the coroner's inquest a doctor who examined the body of Louis Tikas, one of the slain strikers, testified that a blow on the head, dealt by Lieut. Linderfelt with the stock of his rifle, was so severe that it might have caused death even had Tikas not been shot three times through the body as he lay prostrate on the ground by men under Linderfelt's command. It is true that Lieut. Linderfelt and other members of the guard were tried by a court martial composed of their fellow officers, and that trifling demotions in rank were assessed as punishment. Nor have the same authorities taken steps to prosecute officials and directors of the Colorado Fuel and Iron Company, in spite of evidence gathered by the Commission, and which has become common knowledge, that these officials through their agents and subordinates created a private army of armed guards and later procured the enlistment of these gunmen in the militia, and of well-substantiated charges that these disreputable agents of the company in the guise of militiamen committed various crimes from robbery, burglary and arson to murder.

The prosecution of Mr. Lawson and many other strikers and union officials was undertaken and conducted in compliance with the stand taken by the present Governor and the present Attorney General during their campaign for election in favor of "law and order." Their conduct since taking office must be considered a confirmation of the charge made by their political opponents during the campaign that in standing for "law and order" they were in reality standing for the coal operators against the strikers, for industrial absolutism against industrial democracy, and that their conception of maintaining law and order was the ruthless suppression of the strike and imprisonment or execution of the men who dared to lead it, this to serve as an object lesson to others who might attempt to lead a similar revolt in the future.

This report has gone at some length into the present situation in Colorado before proceeding with a discussion of the strike itself, in order that the reader may understand at the outset that the problems involved in the strike are present problems, and of more than academic and historical interest.

Industrial and political absolutism might have continued indefinitely in southern Colorado without attracting the attention of the nation had it not been for the existence of a strong and aggressive labor organization to which the miners could turn for leadership and financial assistance. This organization is the United Mine Workers of America, an international union with approximately 400,000 members in this country and Canada. It was represented in Colorado by Mr. Lawson, a member of the executive board, Mr. John McLennan, president of District 15, Mr. E. L. Doyle, secretary of District 15, and by other organizers and officials of local unions. For three years preceding the strike in the southern field, members of the union employed in the northern Colorado coal field had been on strike and engaged in a losing struggle with the mine owners in that field. This strike involved comparatively few men and was comparatively insignificant.

Officials of the United Mine Workers were pledged to efforts to extend the principles of collective bargaining and industrial democracy as rapidly as possible to coal mining districts where they were not applied. Familiar with conditions existing in the camps of southern Colorado, and knowing the intense dissatisfaction of the miners, officials of the union, in the summer of 1913, sent organizers into the district to increase the union membership, and at the same time began an effort to obtain a conference with officials of the mining companies. Frank Hayes, vice president of the national organization, came to Colorado and formed a policy committee composed of himself, Mr. Lawson, Mr. McLennan and Mr. Doyle. Their first act was to call upon Governor Ammons and request him to use his efforts to bring about a conference with the leading operators. Governor Ammons endeavored to arrange such a meeting and conferred a number of times with Mr. Welborn, Mr. Osgood, and Mr. Brown, representing respectively the Colorado Fuel and Iron Company, the Victor-American Fuel Company, and the Rocky Mountain Fuel Company. They refused to meet with the union representatives, on the ground that such a meeting would mean recognition of the union.

Failing in this effort, Governor Ammons sent Deputy Labor Commissioner Edwin V. Brake to the mining districts to make an investigation, with a view to averting a strike. Mr. Brake arrived in Trinidad, August 16th, and conferred with officers and directors of the Chamber of Commerce, and with labor leaders and local officials of the company. He returned to Denver on August 23, and reported to Governor Ammons that Trinidad was filled with armed guards and detectives, that one of the company's detectives had shot and killed a union organizer on the street, and that unless something were done at once, an outbreak was inevitable, as the feeling among the miners was intense. He recommended that the Governor send for the sheriffs of the two counties, and insist that they disarm every man in the district, and that the Governor should remove them from office if they refused.

Officials of the United Mine Workers have testified that they were anxious to avoid a strike, because of the certainty of violence, bloodshed, and suffering, and because the resources of the national organization had been depleted by strikes in other states. On August 26, 1913, the Policy Committee sent the following letter to every coal operator in the district:

> Dear Sir:
>
> For many years the coal miners of Colorado have been desirous of working under union conditions, and as you no doubt know, have made this desire known on innumerable occasions, a large number of them being discharged because of their wishes in this respect.
>
> While we know your past policy has been one of keen opposition to our union, we are hopeful at this time that you will look at this matter in a different way, and will meet with us in joint conference for the purpose of amicably adjusting all points at issue in the present controversy. We are no more desirous of a strike than you are, and it seems to us that we owe it to our respective interests, as well as the general public, to make every honest endeavor to adjust our differences in an enlightened manner.
>
> It ought to be evident to yourself and your associates that Colorado cannot stand alone in opposition to our movement. The operators of Wyoming, Montana, Wash-

ington, Oklahoma, Kansas, Arkansas, Missouri, Texas, and Iowa, embracing all the important coal producing states west of the Mississippi River, have been working under contracts with our union for years, and it goes without saying that the operators in the above mentioned States, who once held the same opinion concerning our union that you now seem to hold, are at this time well satisfied with our organization, and are much pleased over the security and stability given to the industry through the medium of the trade agreement.

Why oppose us here, spending millions of dollars in an industrial conflict for no good purpose? Why is it not possible and practical for you to do in this state what the operators in all the neighboring states have already done?

We feel sure that you appreciate the gravity of this situation, and will do your part to meet it at this time, when no sting will be left behind, which is always the result of a strike settlement.

Let us meet now as friends and proceed to settle this entire controversy with honor to ourselves, with credit to our people, and with faith in each other.

Hoping you will favor us with a prompt reply we beg to remain,

Sincerely yours,

POLICY COMMITTEE.

With the exception of two small operators, the mine owners did not reply to this request for a conference. On September 8, 1913, the Committee addressed a second letter to the operators, notifying them that the miners would hold a convention in Trinidad September 15, and inviting them to attend. The Committee stated that this was a final effort for peace, and expressed the belief that if the operators would meet them in joint convention, all differences would be amicably adjusted. None of the operators replied or attended the convention.

In the meantime, Secretary Wilson of the Department of

Labor of the Federal Government, had sent Mr. Ethelbert Stewart to the offices of Mr. Rockefeller in New York, in the hope of obtaining the latter's aid in averting a strike. Mr. Stewart was unable to see Mr. Rockefeller, but was informed by one of his attorneys that the entire matter was being handled by the executive officials of the company in Colorado. Mr. Stewart then went to Colorado and endeavored to bring about a conference between the operators and the union officials. The operators refused to consider such a conference.

On September 15 the convention of miners was held at Trinidad. Whether or not the men who sat in this convention and who voted for the strike, were representatives of the great body of miners, is a subject of controversy. It is regarded as relatively unimportant, in its bearing on the state of mind of the mining communities, and their attitude toward a strike.

Spies, camp marshals, and armed guards infested the mining camps and the city of Trinidad, and the miner who might wish to attend such a convention, or to attend local meetings for the selection of delegates, knew that to do so would be to incur prompt discharge and expulsion from the town.

In Huerfano County alone, 326 men, many imported from other states, had been commissioned as deputy sheriffs by Sheriff Jefferson Farr prior to September 1. Sheriff Farr admitted, before this Commission, that for all he knew they might have been red-handed murderers, fresh from the scenes of their crimes, and that they were employed, armed, and paid by the Colorado Fuel & Iron Company and the other large companies. The first violence had already occurred in the killing of Gerald Lippiatt, a union organizer, who was shot down on a street in Trinidad by a detective in the employ of the operators.

The convention voted to call a strike for September 25, 1913. On that day, from 8,000 to 10,000 miners, comprising from 40 to 100 per cent of the employees at the various camps, packed their meager household belongings on carts and wagons, and, accompanied by their women and children, moved down the canyons through a drenching fall of snow, sleet, and rain, to the tent colonies that had been established by the union officials. This sudden exodus became necessary because, in many of the coal camps, the companies owned every house and every foot of ground. No more eloquent proof could be given of the intense discontent of the miners and their families, and of their determination to endure any hardship rather than remain at work under existing conditions.

From the day when it became apparent that there was no hope of obtaining a conference with the operators, or of gaining relief for the miners without a strike, officials of the United Mine Workers placed themselves, and the resources of their national organization at the disposal of the miners, and assumed full charge of the conduct of the strike.

Those strikers who had not previously joined the union were enrolled on their arrival in the tent colonies, and additional local unions were formed, the members electing their own officers. A system of strike benefits was instituted, payments coming from the funds of the national organization. Officials of the union ordered a supply of tents for the colonies, and when the strikers arrived, the newly-created communities were organized for community life. Mr. Lawson spent much of his time with the strikers in their tent colonies, endeavoring by personal influence to maintain harmony and good spirits within the colonies, and to discourage the more reckless from acts of violence.

The part played by officials of the United Mine Workers, just before and immediately after the strike was called, has been recorded at this point because of the allegation of the operators that the strike was caused solely by the activity of these officials, and was forced on their employes against the latter's will. The conclusion here reached is that the agitation, leadership, and financial assistance given by the United Mine Workers of America, caused the strike only in the sense that they hastened and made more effectual a revolt against intolerable conditions.

Disregarding, for the present, the seven formal demands of the strikers, this report will first take up the alleged causes of the strike, as set forth in the Brief for the Striking Miners, filed with a sub-committee of the Committee on Mines and Mining, House of Representatives, Sixty-third Congress, by Horace N. Hawkins, attorney for the United Mine Workers, and E. P. Costigan and James H. Brewster, special counsel for the strikers before the Congressional Committee. In this brief the strikers set forth five alleged causes, as follows:

> 1. Ignorance of the owners of the great coal producing properties concerning actual conditions under which their employees live and labor.
>
> 2. The lack of any proper sense of personal responsibility on the part of those owners, for what is wrong in those conditions.
>
> 3. The maintenance by the coal-mining operators of a modern system of monopolistic feudalism, with many of the evil features of the old feudalism, but without many of those features which made it somewhat beneficent.
>
> 4. The insistence by the operators upon their right to conduct a vast coal-producing business,—a business in reality affected with a public interest,—regardless of how their conduct may affect society at large, and as if it were a small private business.
>
> 5. The unwillingness on the part of the operators to concede to their employees the right of effective organization, while themselves maintaining a complete combination and organization.

The first two charges are closely related, and the last three are similarly related. Taken together, they constitute a charge that the owners of the mining properties, while themselves exhibiting ignorance and indifference regarding the welfare of the thousands of men employed in the industry, at the same time insisted on denying to these men the right to organize in order that they might themselves, through collective action, seek redress, either directly or through the government, for the evils that arose under this absentee, irresponsible, and ignorant ownership.

That the leading mine owners were, in fact, ignorant of the conditions under which the miners and their families worked and lived, is clearly established by the evidence. Mr. Rockefeller, Jr., the most influential single owner, had not visited Colorado for ten years, at the time of the strike, nor had he attended a directors' meeting during that period. Testifying before the Congressional Committee and before this Commission, he said that he had "not the slightest idea" of what wages the miners received, of what rent the company charged them for their houses, or of other details vitally affecting their welfare. He excused himself on the plea that in choosing Mr. Bowers as chairman of the Executive Board, and Mr. Welborn as President of the company, he had selected men in whose judgment, fairness and humanity he had great confidence, and that there his duty ended. In striking contrast with this utter ignorance of actual working and living conditions in the coal camps, was the detailed information furnished to Mr. Rockefeller by Messrs. Bowers and Welborn, regarding the progress of their successful efforts to break the strike.

Such details as wages, working conditions, and the political, social, and moral welfare of the 15,000 or 20,000 inhabitants of his coal camps, apparently held no interest for Mr. Rockefeller, for as late as April, 1914, he professed ignorance of these details. Yet he followed, step by step, the struggle of his executive officials to retain arbitrary power, and to prevent the installation of machinery for collective bargaining, by which abuses might automatically be corrected, and he supported and encouraged this struggle in every letter he wrote to his agents.

The very suggestion that a miner in southern Colorado could have appealed to Mr. Rockefeller personally for the removal of a grievance, is an absurdity that need not be considered. Indeed, an authorized representative of the United States Government, who called on Mr. Rockefeller before the strike at his office in New York City, succeeded in seeing only one of his attorneys, and by this attorney he was told that the questions at issue in Colorado must be handled by the executive officials on the ground.

In Colorado the executive officials of the Colorado Fuel & Iron Company, and the owners and officials of the other leading companies, maintained their offices in Denver, 200 miles north of the mines, which they seldom visited. Neither Mr. Bowers nor Mr. Welborn was charged with the actual operation of the mines, and knew little about this part of the business. Operations were in charge of Mr. Weitzel, manager of the fuel department, whose headquarters were at Pueblo, still many miles from the mining camps. Mr. Weitzel visited the mines "not frequently," and received reports in turn from assistant managers and superintendents. He did not talk with the coal miners. He did have a personal acquaintance with the mine superintendents, "except possibly one or two."

Thus there existed a condition wherein all personal relationship and personal responsibility vanished at some point in the long procession of intermediaries standing between the miner in his room underground, and the directors and owners in New York. His personal contact seldom got beyond the foreman or pit boss, himself responsible for results to a superintendent, who in turn was responsible to an assistant manager, and so on up the scale until the needs and aspirations and well-being of 6,000 miners and their families ceased to exist as pressing realities for the responsible officials whose word was law in these communities.

Indeed, the testimony and letters of Mr. Bowers will clearly show that those improvements and concessions which had been granted by the company prior to the strike, such as the eight hour day, the semi-monthly pay day, and the notice inviting miners to select check weighmen, were granted from motives which must be regarded as selfish, and in which a desire for the welfare of the miners was secondary at best.

The record shows, then, that Mr. Rockefeller, controlling the company that admittedly led in fixing policies for the Colorado operators, had no knowledge of actual conditions in the coal camps, and assumed no personal responsibility for the welfare of his employees. It shows, further, that he did not maintain this aloof attitude after the strike began, but threw all his great influence behind the executive officials in support of their stubborn resistance to the demand of the men for collective bargaining through the only effective organization at their disposal.

The record further shows that responsible executive officials in Denver lacked personal knowledge of living and working conditions in the coal camps, and personal touch with the miners, in almost the same degree as did the controlling directors and stockholders. Their information came almost entirely at second hand, in the reports of subordinates who themselves received much of it at second hand from local officials.

It establishes clearly the charge that a great gulf of ignorance, which can be explained only by indifference, stood between any responsible owner or manager, and an understanding of the actual needs and conditions of the miners. In this respect the situation was not different from that which exists in other industries conducted on a large scale by large corporations.

This lack of knowledge of actual conditions, and of personal touch with their employees, on the part of the owners of large industrial corporations, presents one of the most serious problems of industrial relations, and is in itself a convincing argument that strong labor unions and effective machinery for collective bargaining, must be not only permitted, but encouraged and insisted upon in such industries.

The Rev. Eugene S. Gaddis, superintendent of the sociological department of the Colorado Fuel and Iron Company, during the strike and until February, 1915, testified before the Commission, May 19, 1915:

> For several years prior to the fifteen months' "war" in Colorado, neither Bowers nor Welborn were cognizant of policies and practices in dealing with the miners, ex-

> cept as represented to them by inferior officers. Mr. Bowers took the position that to grant the right of appeal, with the type of characters with whom they had to deal, was to invite chaos,—appeals to Welborn, if they were considered at all, would only emphasize the severity of the regime. He told me, his men in the Boston Building did not take complaints over each other's heads; and that the camp regime was the same.
>
> I am glad to say that I know Mr. Welborn disagreed with this position. A "down-the-canyon" verdict was not likely to be reversed at the office of the general boss, for he is the king bolt of the machine that must be kept running smoothly. The superintendent can easily erect a wall between himself and the division manager, which only calloused temerity would tackle. At the bottom of the pit with pick and shovel, the miner frequently found a grafting pit boss on his back. The camp superintendents as a whole impress me as most uncouth, ignorant, immoral, and in many instances, the most brutal set of men that we have ever met. Blasphemous bullies.

From the foregoing there cannot be the slightest doubt that the strikers were fully within the facts when, in their brief to the Congressional Committee, they charged, first, that the owners of the great coal-mining properties were ignorant concerning the actual conditions under which their employees live and labor; and, second, that there was a lack of any proper sense of personal responsibility on the part of these owners for what is wrong in those conditions.

As the other underlying causes of the strike, the strikers charged: "the maintenance by the operators of a modern system of monopolistic feudalism, with many of the evil features of the old feudalism, but without many of those features which made it somewhat beneficent; the insistence by the operators upon their right to conduct a vast coal-producing business,—a business in reality affected with a public interest,—regardless of how their conduct may affect society at large, and as if it were a small private business; and the unwillingness on the part of the operators to concede to their employees the right of effective organization, while themselves maintaining a complete combination and organization."

It has already been pointed out how inseparable are the economic elements and the political elements of a system of feudalism such as that charged by the strikers in Colorado, and the three alleged causes of the strike stated in the foregoing must be considered in their relation one to the others. For suppression of unionism led to political domination, and political domination enabled the continued suppression of any attempt to organize.

That the operators of southern Colorado denied their men the right of collective bargaining, is admitted. They refused to enter into conference or negotiation with officials of the only labor organization to which their men could have belonged, and insisted that they alone must determine wages and working conditions, dealing with each miner as an individual, and giving him no recourse if he became dissatisfied, except to quit his employment, pack his belongings, and with his family leave his home and community to seek work elsewhere.

This freedom to quit his job and remove himself and his family to another State, said Mr. John C. Osgood, chief executive and owner of the Victor-American Fuel Company, is sufficient in itself, and other protection is not needed. Mr. Osgood repudiated the entire principle of collective bargaining, declaring that even were the United Mine Workers incorporated and financially responsible as an organization, he would refuse to deal with them.

During the strike Mr. Osgood shared with Mr. Welborn, president of the Colorado Fuel & Iron Company, the leadership of the operators in formulating and carrying out policies, and at least during the critical period of the strike they worked in perfect harmony. It seems fair to accept his position as more nearly representing that of the operators as a whole, than the rather vague and general declaration of some of the other mine owners, that they accept the general principle of collective bargaining but refuse to deal with the particular union here involved, for particular reasons. Certainly Mr. Welborn's objections to recognizing the United Mine Workers are urged on grounds that would apply equally as well to any organization that could be imagined to exist in the same field.

The reasons assigned by the operators for refusing to deal with the United Mine Workers may be summarized as follows:

That it is an illegal and criminal organization.

That it violates its contracts.

That efficiency is diminished, output limited, and accidents increased when authority is divided between the management and the union.

That the union is unnecessary for the protection of the miners' interests, because better conditions exist under a non-union regime.

That there is no appreciable demand for unionism by the miners.

That it violates the freedom of its members.

That the union seeks an unwarranted interference with the owner's right to manage his property as he sees fit.

To prove the illegality of the United Mine Workers, the operators quote a decision by Judge Dayton, of the Federal Court of West Virginia, which has been since overruled by a unanimous decision of the Court of Appeals. This charge, lodged against an organization that is regularly recognized and negotiated with by the employers of 400,000 coal miners in this country and Canada, and that numbers among its members a cabinet officer, and a distinguished public official of the State of New York, hardly requires further consideration. It was lodged early in the strike, as one of the reasons for the initial refusal to meet representatives of the Union in conference, and therefore does not require here a discussion of alleged lawless acts committed by union officials during the present strike.

The following statement regarding the United Mine Workers is from the pen of Prof. Edwin R. A. Seligman, of Columbia University, an economist whose attitude in the Colorado strike has been indorsed as fair by the President of the Colorado Fuel & Iron Company:

> The United Mine Workers of America is not an irresponsible organization; on the contrary, it is numerically the strongest union in the world; it has a membership of more than 400,000 paying dues to it; it is established in practically every coal-producing state in our country, and in practically every mining province in Canada; 75 per cent of all coal miners on this continent are employed under the terms of contracts which the organization negotiates with mine owners; the relations existing between the miners and operators are cordial and friendly; the officers of the miners' union are men of high character and marked ability. Mr. John P. White, the president, is recognized by employers in the coal industry as a man of high ideals, great intelligence, and unquestioned honesty. Mr. Frank J. Hayes, the vice president, is equally well regarded. Mr. Green, the secretary-treasurer, is the majority leader in the Ohio State senate, and speaker pro tempore of that body. Are these the kind of labor leaders to be encouraged or to be frowned down? (New York Times Annalist for First Week of May, 1914.)

The violation of contracts by local unions of the United Mine Workers is an evil that shows itself with more or less frequency in fields where the Union is recognized. Even the Colorado operators who had had union experience, including General Manager Weitzel, of the Colorado Fuel & Iron Company, admit that the union officials endeavor in good faith to prevent contract breaking, and they blame the local unions and the local leaders. They also charge that union politics at times enters into the failure of even the highest officials to use their utmost endeavors to prevent such violations.

Simiiar charges have been made before the Commission by operators in other states. Thus Mr. Peabody, of Chicago, testified that he had suffered from the violation of contracts. At the same time, he asserts that contracts kept 90 per cent of the time are better than no contracts at all, as an insurance of stability, and that he would not willingly go back to non-union conditions. He further admits that mine owners sometimes break contracts with the union, thus confirming in part the plea of witnesses for the United Mine Workers that violation of contract is an evil that exists in all business relations, and that the union is on a parity with the owners in the record of such violations. They point out that the Colorado operators base one of their principal objections to the union on the union demand, in organized fields, that the union dues and fines be deducted from the wages due to miners, and paid directly by the employer to the union; and they urge that in opposing this custom, the operators strike at the most effectual means by which union officials may prevent violations of contract.

The charge that miners protected by the union limit output and work less efficiently, cannot be supported by evidence gathered by the Commission. On the contrary, Mr. Peabody testified that the standard of efficiency, sobriety, and morals had risen tremendously since the miners became union members. His testimony on this point has been quoted in the introduction to this report.

That the existence of a strong union slackens discipline, and thereby contributes to an increase of accidents, is a charge with slightly more backing. Summary dismissals for disobedience of orders designed to safeguard against accidents are rendered more difficult. Mr. Peabody makes this point against the unions in his testimony. Union officials assert that the charge is unjustified by the facts, and they point to the increase in intelligence and sobriety that has taken place in organized districts through the influence of the union. They also point to the excessive record of fatalities in the non-union Colorado mines, a record higher than in any organized district. They assert, further, that only where a strong union exists can legislation safeguarding the mines against accident be obtained and enforced, and they point to the opposition of the Colorado companies to the enactment of such legislation.

In support of their claim that a union is not required for the protection of the men's interests, the Colorado operators urge that they voluntarily have granted concessions and improvements. It is hard to believe that this contention is made in good faith. Letters from Mr. Bowers to Mr. Murphy show that concessions and improvements were granted in the mines of the Colorado Fuel & Iron Company, in order to remove the incentive of the miners to join the union, and were thus directly brought about by the existence of the union in other fields.

Even after these concessions had been made, the wage scale in Colorado remained 10 per cent below the scale in the neighboring state of Wyoming, where the mine owners recognize the United Mine Workers and deal with strong local unions. The following extract from a letter from Mr. Bowers to Mr. Starr J. Murphy, of Mr. Rockefeller's personal staff, conclusively proves the part played by the existence elsewhere of strong unions in determining conditions in Colorado. It was written on September 19, 1913, four days before the strike began:

> We have spent a great deal of time, and studied with a good deal of care, all the questions in connection with labor unions among miners and men employed by industrial corporations during the past two or three years, anticipating in time having to meet the demands of union labor. We follow the eastern rules of mining as to wages, prices per ton and the several different features that obtain in the mining industries, both where union and non-union labor is employed.
>
> We have found it desirable to take up from time to time these questions that were likely to lead to controversy and study them from every angle, and where we could meet them by making certain economic changes without loss we have taken the initiative in their appli-

> cation in this mining district. We have been opposed by some of our competitor operators, whose notions of fairness are in our opinion somewhat lopsided, but our position among them was such that we have been able to inaugurate and carry out these changes without serious criticism on the part of these competitors. Today, they are patting us on our backs.
>
> We studied the eight-hour problem which we knew would come up in the form of bills in the Legislature and would be pushed through by agitators on the ground who were backing them, so we anticipated these matters and experimented with eight hour labor. * * * Generally speaking, we found that working our mines eight hours saved us in overhead expenses and in other ways enough to offset any loss that might come from an eight instead of a nine or ten hour day in many of our mines. After this had been thoroughly settled in our minds, we established an eight hour day for all coal miners, complying with the union rules in that respect, but operating as non-union mines. * * * Another question that we knew would come up in case of agitation was the semi-monthly pay.

This report will discuss the eight-hour day and the semi-monthly pay day later. It is enough here to point out that the semi-monthly pay was required by the laws of Colorado, which the company had previously violated and ignored, at the time when it was granted, and that the people of Colorado had declared for an eight-hour law many years before. This fact is not mentioned in the letter quoted above, and apparently Mr. Rockefeller's agents were not animated by any sudden respect for law when they ordered these changes, but solely by ~~their desire~~ to defeat unionization.

The allegation of the operators that their employees did not desire to join the union or to go on strike is best answered by the fact that 8,000 miners, according to Mr. Bowers' own estimate, left their homes with their wives and children on

September 23 and moved down the canyons through a snow storm to take up their residence in the tent colonies. That 8,000 miners could have been intimidated by a handful of union organizers into taking this step is unbelievable. In the case of the Colorado Fuel & Iron Company, President Welborn's own estimate is that 70 per cent of their miners struck.

The complaint of the operators that the United Mine Workers proposed to invade the personal liberty of the miners is based on the custom of the union in other fields of insisting on the so-called check-off system. Under this system, the employer deducts union dues and fines from the wages of miners on pay days, and turns the money thus collected over to the union treasurer. By this method it is possible to force every miner to join the union, and to penalize him for violating union rules. Both union officials and mine owners in organized fields have indorsed the scheme as the only effective means of enforcing compliance with contracts and agreements between the owners and the workmen, and of preventing the enjoyment of union advantages by miners who are unwilling to pay their share toward the cost of these advantages. The check-off system, where it exists, is a subject of more controversy among members and officials of labor unions than among mine owners, who usually recognize its advantages in enforcing compliance with contracts and preventing unauthorized local strikes. For the operators of southern Colorado to urge it as one of the objections which animated their opposition to the union is disingenuous in the extreme. Without touching here on other ways in which these operators have disregarded the rights and liberties of their miners, it is enough to point out that they have not hesitated to deduct from their employees' wages hospital fees and other charges not voluntarily incurred by the miners.

It is in the last objection that has been cited that the real cause of the operators' refusal to negotiate is to be found. "The union seeks an unwarranted interference with our right to manage our properties as we see fit." To concede to their employees a voice in determining wages, hours and working conditions within the mines, and self-government in their towns and villages, was a proposal intolerable to men who for years had ruled the mines and the mining communities with arbitrary and unchallenged power.

After alleging inferior quality of output and limitation of the right to discharge as specific objections to the union, Mr. Bowers in a letter already quoted sums up the evils of unionism as "numerous requirements that practically take away the mines from the control of the owners and operators, and place them in the hands of these, in many cases, disreputable agitators, socialists and anarchists."

And Mr. Welborn, asked "Do you think that society has no interest in the mining of that coal, that it is your business?" replied: "I am very sure it is my business." But he admits that without a union men are at the mercy of the employer.

This defense of the denial of the right to organize comes so as an echo from the past that it seems unnecessary to discuss here the broad principles that every enlightened employer, economist and layman accepts, and which point to collective bargaining as the only approach to a solution of the problems of industry and democracy. Instead, this report will point out the actual results of such denial in the mines and towns of southern Colorado, and in doing this will present evidence bearing also on the charge that the operators maintained a system of feudalism and the charge that they conducted their enterprises without regard for the welfare of society. For both the existence of a modern feudalism and the operators' disregard of the welfare of society must be attributed, in the last analysis, to the absence of machinery for effective collective bargaining.

With no strong union in the field to limit their power to discharge without cause, the Colorado Fuel & Iron Company had used this power to build up a powerful political machine for the absolute control of town and county government and the partial control of the state government. This control was in turn used to keep out union organizers and to break strikes. Thus a vicious circle was drawn, industrial control leading to political control, and political control maintaining industrial control. How the company's political domination was achieved is described with great frankness in the following letter from Mr. Bowers to Mr. Charles O. Heydt, secretary to Mr. Rockefeller, Jr. It is dated May 13, 1913:

> The Colorado Fuel and Iron Company for many years were accused of being the political dictator of southern Colorado, and in fact were a mighty power in the entire state. When I came here it was said that the C. F. & I. Co. voted every man and woman in their employ without any regard to their being naturalized or not; and even their mules, it used to be remarked, were registered if they were fortunate enough to possess names. Anyhow, a political department was maintained at a heavy expense. I had before me the contributions of the C. F. & I. Co. for the campaign of 1904, amounting to $80,605.00, paid out personally by President Hearne. All the vouchers and checks I have examined personally, all of which were payable to Albert A. Miller, upon which he drew the currency and, it is said, handed the money over to Mr. Hearne, who paid it out. So far as I can discover, not one particle of good was accomplished for the company; but Mr. Hearne was an aspirant for the position of United States senator and devoted a vast amount of time and money with this end in view, I have no doubt.
>
> The company became notorious in many sections for their support of the liquor interests. They established saloons everywhere they possibly could. This department was managed by one John Kebler, a brother of the one-time president of the company, who died about the time I came here, a victim of his own intemperate habits. A sheriff, elected by the votes of the C. F. & I. Co. employees, and who has been kept in office a great many years, established himself or became a partner in sixteen liquor stores in our coal mines. To clean up the saloons and with them the gambling hells and houses of prostitution, has been one of the things that Mr. Welborn

> and I have devoted an enormous amount of time to during the past five years. The decent newspapers everlastingly lampooned the C. F. & I. Co. at every election; and I am forced to say the company merited, from a moral standpoint, every shot that was fired into their camp.
>
> Since I came here not a nickel has been paid to any politician or political party. We have fought the saloons with all the power we possess. We have forbidden any politician from going into our camps, and every subordinate official connected with the company has been forbidden to influence our men to vote for any particular candidate. We have not lobbied in the Legislature, but have gone directly to the Governor and other able men and have demanded fair treatment.

Mr. Bowers' assurance that the company had relinquished its political control some time prior to May 13 is disproved by a great deal of conclusive testimony, including letters and tsetimony by Mr. Bowers himself. His account of the active part taken by the operators in the campaign of 1914 for "law and order," has already been quoted. At the hearing in May, 1915, Commissioner O'Connell read to him the following extract from the testimony of former United States Senator T. M. Patterson, given at Denver in December, 1914:

> The men employed by the large mining companies have been used to gain political power. There is no doubt that it is the deliberate purpose of these companies to control the officials of the counties in which they are operating, and to have a great influence in the selection of judges and in the constitution of the courts. In this purpose they have been successful. Election returns from the two or three counties in which the large companies operate show that in the precincts in which the mining camps are located the returns are nearly unanimous in favor of the men or measures approved by the companies, regardless of party. The companies know whom they

want elected, and do not hesitate, judging from the results, to let their men know.

Then followed this dialogue:

Commissioner O'Connell: This is the opinion of one of your reputable citizens who was interested in bringing about a settlement, and he says that the courts, the ballot boxes, and the political situation were dominated entirely and in the hands of the coal companies of Colorado. That is Senator Patterson.

Mr. Bowers: I do not think that any man in the state of Colorado knows better than Senator Patterson that it has been under the domination of the Democratic party for years and years and years, and if these scoundrels are in there, and he has been the leader of the Democratic party for years, and they put the scoundrels in there, on whom does it rest? Not on Mr. Rockefeller or on me.

Commissioner O'Connell: You concede that situation is true then?

Mr. Bowers: I have to admit that in certain counties that condition does exist; I do not dispute it.

Commissioner O'Connell: In the counties where these coal companies operate, they have the judges and sheriffs, and through the sheriffs can select the jurors, as was testified to in the evidence before us of Sheriff Farr himself, and by others before us as to how the juries were selected; how the election commissioners were appointed and sometimes where they did not show up at a certain precinct, Sheriff Farr said: "You and you act as election commissioner today." I ask you, Mr. Bowers, as a man of great affairs and dealing with big business and big financial affairs, if you think a poor humble miner without any great amount of money, without any property behind him, or any influence, has any chance of getting justice in a situation of that kind?

Mr. Bowers: Why, no; no one need to ask that. I know those poor fellows in there ought to have the support of every decent man there is to the end that their rights are protected, and they will get that treatment from me.

Further light on the company's control of politics after 1907 is shed by the testimony of Attorney General Farrar of Colorado, given in Denver in December, 1914. It is particularly significant because of the close co-operation and political friendship between him and the company since the strike began. He is testifying as to an investigation of conditions in Huerfano County made by him in the autumn of 1913:

Chairman Walsh: What did you ascertain, briefly, as to the condition there so far as the political control was concerned—alleged political control by the company?

General Farrar: I found a very perfect political machine, just as much a machine as Tammany in New York; just as much of a machine as you will find in any of the places where a great many voters are susceptible to an organization of that character. I found that the head of this political machine is the sheriff, that it was carried along lines very similar to those maintained in Tammany; that is, it had a system of relief in cases of need, had a system of giving rewards to these people, and I think, briefly speaking, the term machine covers the situation. Just such a machine as you people may have in your own states or your own cities.

Chairman Walsh: Did you ascertain from what sources money came to assist in organizing and maintaining it?

General Farrar: I was not able to place that definitely. I believe that the machine probably—well, I cannot say that it existed with the help of the coal company; I believe rather it existed through its power as a machine over the coal company. That is, I cannot be sure which was cause and which was effect, but there was undoubtedly some relationship between the two, but whether or not any money was ever used, I have absolutely no knowledge at all.

Chairman Walsh: Is there a law in this state which prevents or prohibits the use of money by corporations in elections?

General Farrar: Not that I recall right now, Mr. Walsh.

Chairman Walsh: Did you ascertain whether or not the result of the work of this machine was to control the actions of coroners' juries in cases where death resulted from accidents in the mines, and also to control the actions for damages, for personal injuries, that might be brought in the courts of those counties?

General Farrar: No, my investigation did not lead me into that at that time, and particularly with reference to coroners' inquests at that time no suggestion was made with reference to that. In fact, Mr. Walsh, I am a Democrat. That organization was Republican, and I went down there as a Democrat to try and work the thing out from a Democratic standpoint; and the evidence did not come to me from the industrial standpoint at that time.

Chairman Walsh: This was purely an investigation from the standpoint of politics?

General Farrar: Well, that phase of it was, yes.

Chairman Walsh: Did it come under your jurisdiction to make an investigation as to whether the mining laws of the state were being obeyed?

General Farrar: No.

There is also the testimony of Jesse C. Northcutt, now an attorney for the Colorado Fuel & Iron Company and the other coal operators, and active in the prosecution of Mr. Lawson and other members of the union. In a speech at Lamar, Colo., delivered October 10, 1912, Mr. Northcutt, speaking of the political activity of the company, said:

> Up there a few men get together in a room some days before the convention. They have already fixed up whom the delegates to the convention shall be. They have probably given the local superintendent of the mines the number of delegates to which that community will be entitled. They do not tell him whom to bring. He knows he is to select a certain number of delegates who are to come in and follow the dictation of a single man whose name is given to them before they leave. He goes around and picks out Jim Archuleta and some others, and says to them, "I want you to go down to a convention tomorrow, down to Trinidad to a convention, and you see Mr. So-and-So and do as he tells you," knowing that these delegates will come in and do as they are told, a meeting of four or five leaders is held and they proceed to make the slate: "We will take for County Clerk So-and-So; he is a good man for the purpose." Some other man says, "But still, I think probably some time within the last eight or ten months he had some trouble with some pit boss," and there is just a suspicion if the company likes him. He isn't right with the company and they don't want him; he goes off the slate, and so it is from bottom to top the candidates are selected, not with a view to their fitness, not with a view to their ability to discharge their duty, not with a view to their integrity, but "are they satisfactory to the company?"

Since he accepted employment with the operators Mr. Northcutt, while admitting the authenticity of this speech, has testified before the Commission that the conditions he describes in the foregoing have ceased to exist.

And a more subtle, but no less effective control over the state government, even prior to the election of 1914, is shown in the letters of Mr. Bowers to Mr. Rockefeller, reporting the operators' success in forcing the Governor to give them the use of the state troops in escorting imported strikebreakers to their mines. These letters are quoted in full in a later chapter dealing with the militia.

Equally conclusive in proving that the political domination of the company has continued and exists today is the testimony of the Rev. Eugene S. Gaddis, head of the sociological department of the company until February, 1915, and indorsed by President Welborn in April, 1915, as an "earnest, faithful worker and a Christian gentleman." Reverend Mr. Gaddis testified before the Commission in Washington in May, 1915, that the company's political control in the coal camps was plainly evident during the campaign of 1914; that Sheriff Jeff Farr was still in the saddle as political ally of the company; that word was passed by company officials advising employees for whom to vote; that this advice was accompanied by vague threats; and that he personally saw delegates to the convention at Trinidad enter the office of the company and confer with its officials.

Reverend Mr. Gaddis testified on May 19, 1915:

> There could scarcely be a closer relation right now, and has been for years, between the C. F. & I. Co. and Mr. Farr and his clique.
>
> *Commissioner O'Connell:* Now, that being the situation in that part of Colorado, do you wonder that the citizens, the men and women that have a right to vote, feel that they can get no results, no justice from the mere matter of casting a ballot, in that county, on any question that they are interested in, either morally, industrially, financially or otherwise?
>
> *Dr. Gaddis:* I think it has been very thoroughly driven home to them.
>
> *Commissioner O'Connell:* So the matter of voting for them, if they vote, is a matter of form?
>
> *Dr. Gaddis:* It is a waste of time.
>
> *Commissioner O'Connell:* It was a custom that has grown up, so that Jeff Farr could see them go to the ballot box, and if they didn't they would lose their jobs the next day? Was that the condition?
>
> *Dr. Gaddis:* Very likely.

While the testimony and letters quoted above throw much light on the methods by which political control was obtained by the companies, they do not set forth with entire clearness two of the principal sources of the companies' power. These are the right to discharge summarily and without stated cause; and the private ownership, by the companies, of every foot of land and of every building in many of the largest mining towns.

The operators have admitted freely that men would not be accepted or retained in their employ who talked unionism or who answered the operators' description of "agitators." To detect employees who were objectionable to the company, spies were employed and a system of espionage maintained. The character of men employed in this capacity by the Colorado Fuel & Iron Company was so objectionable that even Mr. Bowers, the highest executive official, told the Commission that he complained to the other officials. Mr. Bowers referred to them as "cut throats." He testified that his associates regarded him as a "tenderfoot" and were not impressed by his complaints.

Not only could miners be discharged summarily for expressing union sympathies, but local superintendents were able to penalize miners at will by assigning them to places in the mines where the work was unusually difficult, dangerous or unprofitable.

Much testimony was given before the Congressional Committee by strikers and others regarding the arbitrary, and brutal conduct of camp marshals or guards who were employed by the companies and who acted under color of authority. This testimony was corroborated and supplemented by Jack McQuarrie, who acted for six years as undersheriff of Huerfano County.

Former United States Senator Patterson has the following to say regarding summary discharge of "agitators," when he was on the stand before the Commission in Denver:

> Mr. Osgood spoke about not keeping agitators. Most anybody comes under the head of an agitator that has an

> independent expression upon any subject that affects industry. Now there is no question in the world but that for years the member of the union that found his way into those mines,—take for instance the mine of Mr. Osgood,—if it was discovered that he was a member of the union, and lisped upon the subject of the union, they found a way to get rid of him.

Free speech in informal and personal intercourse thus was denied the inhabitants of the coal camps. There is conclusive testimony that it also was denied to public speakers. Obviously, union organizers would not be permitted to enter the camps and address meetings. The Reverend Mr. Gaddis, head of the sociological department of the Colorado Fuel & Iron Company before and during the strike, testified that periodicals permitted in the camps were censored in the same fashion.

Thus, with "cut-throats" employed as spies to ferret out employes expressing objectionable opinions, the operators were able to use their power of summary discharge to deny free speech, free press and free assemblage, to prevent political activity contrary to their interests, and affirmatively to control the political activities of employees for the suppression of popular government and the winning of political control.

But in the Colorado camps the loss of his job was not the only penalty that might be arbitrarily inflicted on the miner who refused to do the company's bidding. Many of the mining towns were situated on land owned by the employing company. No bit of ground and no house could be occupied except by consent of the company, which discouraged home-building and refused to sell lots for the purpose, even to their oldest employees. The fact that some of the closed camps have flourished for thirty years disposes of the operators' claim that home ownership by the miners would be impracticable and unprofitable. In these towns, of which the names of twelve were given by Mr. Welborn as the property of the Colorado Fuel & Iron Company alone, the company owns not only the miners' dwellings, but the church, school, store, and saloon buildings. Miners and their families bought every article of food, clothing, and household supplies at stores owned by the company, and from which large profits were drawn. The Company either sold a concession to sell liquor to its employees at a yearly rate of so much for each man employed in the camp, as in the case of the Victor-American Fuel Company, or rented the saloon building at a yearly rental amounting in one instance to one-half of the original cost of the building, as in the case of the Colorado Fuel & Iron Company. Thus the company became in effect a beneficiary of the liquor traffic.[1]

A church building could not be erected in a closed camp without the consent of the company, and the company assumed the right to compel the dismissal of ministers of the gospel who opposed company policies or interests. Thus Mr. Welborn, writing to Mr. Rockefeller's attorney and personal aid in New York, Mr. Starr J. Murphy, under date of October 31, 1914, says of the minister in one of the Company's closed towns:

> At the time of the Ludlow affair the minister was very outspoken in his criticism of the coal companies, but seemed to regret his action when informed of the facts concerning that disturbance. He has socialistic tendencies, however, and I have been informed that his wife is a Greek, yet they may both be perfectly honest. * * * We have thought some of changing the minister at Sunrise, but have refrained from taking a course that would be unfair to him, or would indicate a prejudice against him because of what may have been simply indiscreet statements in connection with the Ludlow outbreak.

The "Ludlow outbreak" here referred to is the occurrence of April 20, 1914, in which five strikers, one boy, and thirteen women and children in the strikers' tent colony were shot to death by militiamen and guards employed by the coal companies or suffocated and burned to death when these militiamen and guards set fire to the tents in which they made their homes. One militiaman was killed in the same "affair."

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[1] Saloons operated in this fashion were reopened after the Federal troops were withdrawn in December, 1914, by consent of the Colorado Fuel & Iron Company although the Company professed that its interest in the political campaign of the preceding fall was born of its ardent wish for prohibition. (See Gaddis testimony.)

The minister who thus escaped dismissal is the Reverend Daniel McCorkle, who presided over the church at Sunrise, Wyoming, where the Company operated iron mines. Sunrise is more than 300 miles from the strike zone, and it is extremely unlikely that any person in the strike zone had ever heard of his sermon denouncing the Ludlow massacre until the letter quoted above was made public by the Commission. From a knowledge of conditions in the southern Colorado camps, it may be concluded that had the Reverend Mr. McCorkle preached such a seromn within the strike zone he would have been summarily dismissed.

Control of the schools within the closed camps was no less absolute. Mine superintendents and other company officials dictated the selection of teachers and procured the dismissal of teachers to whom they objected. Reverend Mr. Gaddis, whose experience as head of the sociological department of the Colorado Fuel & Iron Company gave him excellent opportunity to judge, testified before the Commission that this Company control, exercised by local officials, had been used to get rid of competent teachers who refused to be subservient, and to appoint teachers who were incompetent.

Thus employees were forced not only to depend on the favor of the Company for the opportunity to earn a living, but to live in such houses as the Company furnished, to buy such food, clothing and supplies as the Company sold them, to accept for their children such instruction as the companies wished to provide, and to conform even in their religious worship to the Company's wishes.

Under these conditions, the miner who was discharged by the pit boss or superintendent lost his house and his right to remain in the community at the same time that he lost his employment.

The extent of control in these camps is shown in the following extract from the testimony of the Reverend Mr. Gaddis:

> *Commissioner O'Connell:* What are the facilities for these closed camps having churches and schools and places of amusement?
>
> *Dr. Gaddis:* They have just what the Company furnishes them. No one can go in there without the consent of the Company for any purpose; it is different in a closed camp, religious or otherwise.
>
> *Chairman Walsh:* Can ministers go in and preach?
>
> *Dr. Gaddis:* He has to secure the consent of at least the superintendent.

Even the polling places in the closed camps were located on ground owned by the Company. If the votes of their employees were not sufficiently numerous to offset those of outsiders in the same precinct, entrance to the closed camps and the polling places could be denied to voters not under the Company's control, or the territory could be reprecincted in such fashion as to exclude these voters.

While company ownership of homes, stores, churches, schools and saloons greatly aided the mine owners in building up and maintaining their arbitrary political and economic power, it should not be lost sight of that substantially the same result could have been attained by means of their monopoly of employment and their power to discharge arbitrarily without stated cause.

Having described the methods by which political control was obtained, this report will now outline those uses of this power that have a direct bearing on industrial conditions. These were the disregard of state mining laws; the prevention of legislation unfavorable to the companies; the obtaining of favorable legislation; the control of coroners and courts; and the control of sheriffs, constables and militia.

Most important of all benefits enjoyed by the companies as a result of their political control was the aid of subservient public officials in denying agitators or union officials access to the camps, during peace, and in intimidating, arresting, imprisoning and killing strikers and their leaders during strikes. This use of political control by the companies is more important than their use of it to ignore mining laws or to prevent the collection of damages for personal injuries, for the reason that it has effectually prevented the unionization of the mines. This unionization would have given the miners an economic weapon with which they themselves could have forced compliance with the law and by which they could have speedily broken the hold of the companies on government, by limiting the power of discharge, and thus establishing free speech, a free press and free assembly, and encouraging healthy discussion and agitation.

This report will later outline the extent to which political influence was used after the strike began to defeat the miners' organization. But we are dealing now with causes of the strike, and it will be sufficient here to show how efforts to effect an organization of miners before the strike began were hampered or defeated by the companies through their use of public officials.

Evidence on this point could be presented here in great volume. The history of the earlier strike of 1903-04 is full of instances of the use of the civil power of the counties and the military power of the State to imprison and deport strike leaders and thus to defeat the ends of the strikers.*

Testimony from union officials, strikers and apparently unbiased witnesses before the Congressional Committee and the Commission on Industrial Relations all points to the existence of a system of policing by company agents which closed the mining towns to union organizers, active members of the union, and, in fact, to any person whom the local authorities regarded as undesirable. A federal grand jury which met at Pueblo early in the strike and which heard testimony from a large number of witnesses had the following to say in its report:

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*See report of Carroll D. Wright, U. S. Commissioner of Labor.

> Many camp marshals, whose appointment and salaries are controlled by local companies, have exercised a system of espionage and have resorted to arbitrary powers of police control, acting in the capacity of judge and jury and passing the sentence: "Down the canyon for you," meaning thereby that the miner so addressed was discharged and ordered to leave the camp, upon miners who had incurred the enmity of the superintendent or pit boss for having complained of a real grievance or for other cause. These, taken with brutal assaults by camp marshals upon miners, have produced general dissatisfaction among the latter. Miners generally fear to complain of real grievances because of the danger of their discharge or of their being placed in unfavorable position in the mines.

Union organizers were not only barred from the mining camps; they were harassed and arrested without cause even in county seats, where the companies owned at most only small amounts of property. Mr. John McQuarrie, undersheriff of Huerfano County from 1903 until 1909, and special agent for the Colorado and Southern Railroad in the coal mining district until October, 28, 1913, gave the Congressional Committee a specific instance of the methods used to keep union organizers out of the field. Mr. McQuarrie was discharged by the Colorado & Southern Railroad more than a month after the strike began on complaint of President Welborn of the Colorado Fuel & Iron Company that he was too friendly with the strike leaders. When he gave the following testimony he was employed by attorneys for the United Mine Workers.

> *By Mr. Costigan:* Q. Did he (Sheriff Jeff Farr) ever speak of his relations with those coal companies?
>
> A. He makes a brag—he don't deny the fact that he is a Colorado Fuel and Iron Co. man—that anything they want he will do.

Q. He has made that statement, has he, in your presence?

A. He has made that statement hundreds of times in my presence and always impressed on me the necessity of standing in and being a Colorado Fuel & Iron man. * * * There was a great many things that he put up to me that I wouldn't do. I never done anything there that I was ashamed of. I regret very much, that I stayed with him the length of time I did, being the class of man that he is. Everything that I done there was straight. I never went out and beat people over the head as some of his men have; as, for instance, there is a case of this man Lawson. Jeff Farr came to me and asked me, says—

By Mr. Costigan: Q. You refer to John R. Lawson here?

A. John R. Lawson. In 1906 Farr came to me and wanted me to "get" Lawson in some way. I told him no, I didn't want to do any of that kind of work. Says I, "If you have a warrant for Lawson, give it to me and I will get him, but I don't want to do no crooked work, Jeff." The next day I went out to serve the summonses—it was just before the fall term of the district court * * * and when I returned the next night Lawson was in the county jail. Well, I went over to the office and met Jeff and Severio Martinez—Severio Martinez was the night marshal of Walsenburg. I asked what Lawson was downstairs there for—had seen the mittimus on the desk—the mittimus was on the desk for me to enter up in the sheriff's office. They began to laugh and told me how Lawson came in there.

Q. Who told you?

A. Jeff and Severio Martinez. They said that they had "framed up" on him. They had caught him on the upper end of Main Street as he was going out of town that night and stuck a gun in his pocket and arrested him for carrying concealed weapons. The gun was an old gun that had laid around the sheriff's office for a long while. He had already been sentenced to 30 days in the county jail and $50 fine.

* * * * *

Q. Do you know what the real reason for his arrest was—was that stated in a conversation with Sheriff Farr?

A. Well, he was an organizer.

Q. For what?

A. The United Mine Workers of America, and he had been trailed around and watched. You see, Reno always sends out a description—

Congressman Austin: Just state who Reno is so the record will show.

A. W. H. Reno, the chief detective or special agent for the Colorado Fuel & Iron Co., used to furnish a description of all organizers that came into the district or was suspected of being an organizer, and in that way Sheriff Farr would always have his men look out for them and run them out of the county and make things disagreeable for them the moment they would spot them.

Q. Was that the fact in regard to Mr. Lawson?

A. That was the fact in regard to Mr. Lawson.

Q. He was followed for a long time?

A. He and any other organizer that ever came into the district. Garnier was followed—he was there about the time that Lawson was—he was followed also.

This report will later show how the companies' political influence was effectively used to defeat the strike when finally it came in spite of the difficulties and dangers faced by employees who tried to organize.

Having established their control of public officials and successfully prevented the organization of their employes, the companies found little difficulty in disregarding the laws that had been enacted by the state legislature to protect the interests of the miners. As in other instances that have come to the attention of the Commission, laws proved almost if not quite worthless when not supported by a strong and aggressive organization of the men in whose interests they were enacted.

Four of the seven formal demands of the strikers were for the enforcement of state laws, which they alleged had been persistently violated by the operators. These demands were: (1) An eight-hour working day for all classes of labor in and around the coal land and at coke ovens. (2) A checkweighman at all times to be elected by the miners without any interference by company officials. (3) The right to trade at any store they please and the right to choose their own boarding places and their own doctor. (4) *a*, Enforcement of the Colorado mining laws; *b*, abolition of the notorious and criminal guard system which has prevailed in the mining camps of Colorado for many years.[1]

Miners employed in the coal and metalliferous mines of Colorado began their fight for an eight-hour day for underground workers in 1895. The Supreme Court in that year advised the Legislature that an eight-hour law would be unconstitutional. The State platforms of all parties in 1900 declared for a constitutional amendment, and such an amendment was submitted by the Legislature in 1901 and was adopted by popular vote in November, 1902. The vote was 72,980 to 26,266, and the majority in favor of the amendment was greater than that given to any other of the seven measures submitted at the same election. This constitutional amendment read:

> Section 250. The General Assembly shall provide by law and shall provide suitable penalties for the violation thereof, for a period of employment not to exceed eight hours within any twenty-four hours * * * for persons employed in underground mines.

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[1]—The other formal demands were for recognition of the Union; a 10 per cent advance in wages on the tonnage rate and a day scale practically in acord with the Wyoming day wage rate; and payment of all narrow and dead work, including brushing, timbering, removing flaws and handling impurities.

The will of the people as expressed in this mandate to the Legislature was defeated during the session of 1903 by the activity of the Colorado Fuel & Iron Company and other large smelting and mining corporations. Eight different bills were introduced and none passed. So great was the scandal created by this failure to comply with the constitutional mandate that at an extra session of the Legislature during the following summer, called for other purposes, each house adopted a resolution blaming the other house for the failure.

In 1905 a bill was passed providing for the eight-hour day to apply only to coal miners.

In 1911 an eight-hour bill applying to all classes of underground labor was passed by the Legislature, but the companies obtained sufficient signatures to a referendum petition to procure its submission to the people. At the same time they initiated another eight-hour bill applying only to workers whose employment was continuously in contact with noxious fumes, gases and vapors. The voters of Colorado adopted both measures in the fall of 1912, but the conflict between them led to discussion and doubt, and they were repealed in favor of a new bill that was enacted by the 1913 Legislature and which went into effect April 3, 1913.

For eleven years after the people of the State had ordered the enactment of an eight-hour law, the companies successfully defied the popular will and succeeded in blocking the enforcement of effective legislation. When at last they granted the eight-hour day, in March, 1913, we have the word of Mr. Bowers that it was not respect for this popular will, but the desire to defeat unionization, that actuated them. No more convincing evidence could be obtained of the necessity for economic organization by the workers to vitalize and make effective their political power.

Of all the specific grievances of the miners growing out of economic and political domination by the employers, one of the most serious was the denial of checkweighmen at the mine scales and the consequent lack of adequate assurance that the miners were being paid for all the coal they mined. There was not only a lack of such assurance; there was actual and deliberate cheating of miners by many of the coal operators, if we may take the word of Mr. Bowers, chief executive of the Colorado Fuel & Iron Company. This uncertainty and suspicion as to whether or not they were being paid in full for the coal mined contributed as much to the sense of injustice and acute dissatisfaction under which the miners labored as any other specific abuse. The testimony of striking miners before the Congressional Committee shows that they firmly believed themselves to have been the victims of petty cheating and larceny practiced by the companies, and that they felt helpless to protest. Yet by a state law enacted in 1897 the miners were given a right to employ checkweighmen whenever they desired to do so.

Mr. Bowers vigorously denied that his company cheated its men in the weighing of coal. We may admit the honest intention of the higher officials of this company without accepting it as proof that its miners were not actually cheated. If the low opinion of the company's superintendents and minor officials expressed by the company's superintendent of sociological work is justified, it would still be an open question whether or not these lesser officials practiced short weighing in order to make a favorable showing of production costs, or to penalize certain miners to the benefit of others.

But regardless of whether or not the miners at a particular mine or group of mines were actually cheated, there still existed a substantial grievance if they were denied the means of assuring themselves that such was not the case and were forced to depend absolutely on the honesty of the employer. This is admitted by operators who have testified before the Commission. (See Weitzel.)

The widespread practice of cheating miners is admitted as to other operators in the testimony given by Mr. Bowers at Washington on May 24, 1915.

> *Chairman Walsh:* Then there were just two bad fellows that went in there cheating the miners? * * *

Mr. Bowers: I think there were quite a good many more of them.

Chairman Walsh: How do you think these miners could get justice, if a lot of mine owners were cheating them in the weights of the coal that they dug out of the ground, unless they had an organization powerful in number, and somewhat powerful financially?

Mr. Bowers: I had power enough to stop it. * * * My attention was called to it particularly by the fact that some of our friends * * * in the railway were getting cut prices on their coal, and it seemed that any straight fellow, as long as there was not more than 5 cents a ton profit on railroad coal, it seemed to be particularly difficult for a company to make 10 cents.

Chairman Walsh: Something crooked?

Mr. Bowers: I think so. I said to Mr. Welborn, "How can we stop them stealing the coal from the miners."

Chairman Walsh: And also cutting under your prices?

Mr. Bowers: Yes, sir, also cutting under our prices, and we only made 5 cents a ton.

Chairman Walsh: You became convinced there was something wrong?

Mr. Bowers: Yes, sir, and how we could end it.

Chairman Walsh: That is, for the miners?

Mr. Bowers: Ourselves and the miners and all concerned. The man that works for me is as much my brother as the man that I work for. You have no doubt about that, have you?

Chairman Walsh: I would not like to say. Go ahead.

Mr. Bowers: Now, then, we talked it over, and I said, "How about these checkweighmen?"

Chairman Walsh: Who did you say that to?

Mr. Bowers: Mr. Welborn, and I guess to the executive board. * * * Now, I know very well, by my own talks and interviews with our men, and with the checkweighmen, that the checkweighmen had been optional with the miners. I had talked with many miners in regard to it. We discussed it, and I think I suggested in a letter * * * that our own miners know that the Colorado Fuel & Iron Company are willing and desire that the miners have their own checkweighmen. The newer men were coming in; the old men knew; and that the newer men might not be advised of that, so that we stated here that it is the desire of the Colorado Fuel & Iron Company that our miners secure and have their own checkweighmen.

Chairman Walsh: Was that at the time you discovered this cheating?

Mr. Bowers: Yes, sir, just at that time. * * * We agreed on that circular, and it was written in six languages, and posted at the mines and at their working places, and * * * I understood from several sources that the Colorado Fuel & Iron Company, and your humble servant, had been damned with great severity. Of course, immediately they saw that the Colorado Fuel & Iron Company—it spread all over the camp, what could those fellows do with that kind of a circular in there? * * *

Chairman Walsh: Did the workmen for the other companies demand checkweighmen?

Mr. Bowers: I think they did. * * *

Chairman Walsh: Did you see what effect this had?

Mr. Bowers: The effect was that your humble servant got damned.

Chairman Walsh: Among the coal operators?

Mr. Bowers: Yes, sir, I understand, but I did not hear them.

The circular was posted in April, 1912, but apparently it had little effect. Mr. Welborn testified before the Commission in Denver that checkweighmen had not been employed, except intermittently, while Mr. Osgood, chairman of the board of the Victor-American Company, testified that a checkweighman had been continuously employed at only one mine. Both officials declared that their companies did not object to the employment of checkweighmen, and, indeed, rather favored it.

Mr. Bowers' testimony quoted above leaves serious doubt that the miners, employed either by his company or the others, understood that they were free to elect checkweighmen and to demand that the companies accept them. On the other hand, the inference of this testimony is strong in support of the assertions of striking miners that they believed they would risk discharge if they asked for checkweighmen. For, according to Mr. Bowers, the posting of this circular created something of a sensation and led to agitation in other camps. If the company's acquiescence in the employment of checkweighmen were a matter of common knowledge, it seems strange that the posting of the notice should have angered other operators and caused them to condemn Mr. Bowers.

Granting that the Colorado Fuel & Iron Company had obeyed the law of 1897 prior to the posting the circular fifteen years later, it is obvious from Mr. Bowers' testimony that the operators who "damned" him had failed to do so.

But there is this statement from the testimony of the Reverend Mr. Gaddis:

> When a man asked for a checkweighman, in the language of the super, he was getting too smart.
>
> *Commissioner O'Connell:* And he got what?
>
> *Dr. Gaddis:* He got it in the neck, generally.

Dr. Gaddis is here referring to the Colorado Fuel & Iron Company, and to a time subsequent to the posting of the notice.

Here again the legal rights of the miners proved worthless in the absence of a strong union. In denying them the union, the companies denied them the machinery with which to select a checkweighman in whose independence they could place their confidence. Fifty or one hundred or five hundred disorganized men, with half a dozen nationalities represented among them, could hardly be expected to meet together and act in harmony on the selection of a man to check the weights of their coal, when in all other respects they were forced to act individually, and were denied the training in collective action which only the union can give.

No more substantial cause for resentment could be imagined than this denial to the miners of any means to insure honest payment of wages. And in denying the right to organize, the companies must be convicted of doing just this. It is impossible to conceive of the citrus fruit growers in California sending their oranges and lemons to the eastern market unweighed or unnumbered, and accepting the figures of the jobbers in the East as a basis for payment. Yet the situation would be analogous to that endured by the Colorado miners.

Regarding the strikers' demand for the right to trade where they pleased, the testimony shows that mine employees, particularly in closed camps, risked the displeasure of the local officials, and the possibility of discharge, if they did not trade at the company stores. These stores were operated through subsidiary companies, all of the stock of which was owned by the mining companies. They earned very large profits. President Welborn of the Colorado Fuel & Iron Company testified that the stores of that company earned more than 20 per cent on a capital of $700,000. In about half the camps of this company the stores had no competition. Mr. Osgood of the Victor-American Company testified that the stores of his company earned 20 per cent.

The legislature passed a law in 1899 prohibiting "any arrangement by which any person may issue a truck order or scrip by means of which the maker may charge the amount to the employer to be deducted from the wages of the employe." President Welborn testified that the Colorado Fuel & Iron Company never paid wages in scrip, but that scrip was in use in company stores until 1913. If a man wanted to draw on his wages earned but not paid, said Mr. Welborn, he could get an order on the store company, and if he did not expend the full amount of the order he could get his change in scrip, which would be good at the store later.

Superintendent Snodgrass of the Delagua mine of the Victor-American Fuel Company admitted the use of scrip, and testified before the Congressional Committee that the Company regards the man holding scrip as under a contract to spend it in the company store.

Whether the practice of the companies in this respect was a violation or merely an evasion of the State law is a question that has not been definitely answered in the testimony.

The same law that prohibited use of scrip made unlawful "any requirement or understanding, whatsoever, by the employer with the employee that does not permit the employee to purchase the necessaries of life where and of whom he likes, without interference, coercion, let or hindrance."

The Reverend Eugene S. Gaddis, superintendent of the sociological department of the Colorado Fuel & Iron Company until February, 1915, testified before the Commission in Washington on May 19, 1915:

> One physician who had served the Company for 17 or 18 years declared if a strike is called, the Colorado Supply Co. (the store subsidiary of the C. F. & I. Co.) will be responsible. A man filling one of the highest positions in a local camp received a letter of inquiry, as to why he did not trade at the Company store. His reply contained his resignation (not accepted), but that he would trade where he thought best. A local doctor estimated he could only afford to buy 50 per cent of his groceries in camp. Lessees of company hotel buildings did not feel free to buy staple groceries, except at "the store."
>
> The manager of the fuel department instructed the superintendent, and he so informed me about three months ago, to use his influence to have employees trade at the store. A few months ago a young manager asked the wife of a laborer if her husband wished to continue

> working in that place, and if so, their grocery business had better come his way. A mail order catalogue from one of the Chicago houses was deposited in an arroyo instead of the hands of the addressee, who was a man well known in the community.
>
> Store managers are the postmasters in most places. For years it has been the custom of the Rockefeller stores to give a company draft, when a postal order was solicited, and charge the U. S. Postal rates. The amount of money the Government has lost by this trickery would take expert accountants many days to foot up.
>
> Since the close of the great strike many "gabfests" have been held, in which the managers have been told a "square deal" must be given in the future. Prices in some stores have dropped 10 per cent, and 10 per cent more would still leave a handsome profit for Rockefeller in the mining camp groceries.

In at least half of the mining camps the company stores had no competition, except itinerant hucksters, and in the buying of his food and supplies, the miner was at the mercy of the company. In towns fifteen, twenty and thirty years old, this absence of competition can only be ascribed to the refusal of the companies to sell land for homes or other purposes, and this refusal in turn appears to have been actuated by a desire to monopolize the merchandising as well as every other activity of the community.

Store managers were closely associated with mine superintendents in the control of the political and social life of the camps, and it seems reasonable to infer that ambitious local managers enlisted the superintendents' influence to swell their business and improve their showing.

Reverend Mr. Gaddis estimated the percentage of the average miner's wages spent at the company store as 30 or 35 per cent. During the strike, he said, an employee working at the company's books in one of the stores told him the strike breakers were paying 47 per cent of their earnings to the store.

The temper of at least two store managers for the same company is shown by this additional testimony by Mr. Gaddis:

> A store manager-school director wished to remove a lady teacher because she did not trade with him. * * * A store manager's daughter, at Morley, below legal age, and without any teacher's certificate, was made a teacher against the protest of the county superintendent and the people of the camp.

In the same letter previously quoted, that of September 19, 1913, to Mr. Murphy, Mr. Bowers writes:

> Another question was the accusation that miners were forced to trade at the Company stores. In order to settle this we had our storekeepers and all interested say to our employees that they were welcome to trade at our stores or go anywhere they wished, as the money was their own; that we would be glad if they would trade with us, though they were perfectly free to trade where they pleased and no man's standing would be changed if he saw fit not to trade with us.

Granting that these instructions were carried out by the interested storekeepers both in letter and spirit, merely the giving of such notice speaks eloquently of the power of the company over its employees. But, according to Dr. Gaddis, they were ignored.

While the camp saloons were not specifically complained of in the strikers' formal demands, they formed part of the feudal system, and the following extract from Reverend Mr. Gaddis' testimony is here relevant:

> Only a few years ago the saloon was run in connection with the Company store. Bowers divorced such an unholy alliance. Now some of the most prominent and best structures in the camps are used as saloons. In 1908 there were eighty-two saloons in twenty-five camps of the Rockefeller mines. Twelve of these saloons operated under lease from the Company. In 1913 within a circle

of four miles diameter, including four camp villages, there were twenty-eight saloons. One of these was on Company property and was bringing $1,500 rent to the credit side of coal production for that camp.

The policy of the Company has been to farm out their privilege for these joints to human ghouls, who operate them, by the Camp Marshal's consent, without regard to the restrictive statutes of the state, that would interfere with their business.

At Delagua, not a C. F. & I. camp, an officer of the National Guard noticing a saloon open on Sabbath, said to the proprietor, "Do you know of a state law, which prohibits keeping saloons open on Sunday?"—same policy was pursued on C. F. & I. property—"Oh, that's all right," replied the liquor vendor, "I am justice of the peace in this town and we don't pay much attention to such things as State laws." Sabbath breaking is condoned by local officials; selling to minors and drunkards is an offense that is allowed to pass without protest. A saloon and lodging house known as the Metropolitan Hotel in Trinidad, was used as an employment bureau. The manager was an employee of the Company, and the stock of liquors was regularly invoiced by their traveling auditor. A lessee of a camp saloon at Morley on Company property was being credited $200 a month for advancing cash to erect the building. The "chamber of horrors" which a camp saloon presents after pay day is so pathetic and shameful that it must be seen in order to be fully comprehended.

One of the largest saloons on company grounds is run by an Italian, and the sheriff of Huerfano County is his silent partner. In the face of a vote of over 12,000 majority placing the state ban on the liquor business, several camp saloons were allowed to reopen (after the strike) for one more year of devastation. Mr. Bowers told me that he would not allow a camp saloon to open after the vote was taken, if Mr. Weitzel would concur. Mr. Weitzel

> would not concur. The argument that the Company must conduct a high grade saloon, in order to prevent dives from starting up just outside our property line, has no weight with those familiar with the conduct of the so-called Company protected saloons. One "super" justified gambling on the same basis.
>
> The saloon in the Rouse camp * * * Mr. Farr (Sheriff Jeff Farr of Huerfano County), is a partner in. About one mile away there is another saloon at Lester. There was no cause for opening that saloon whatever. It is one of the most notorious places in Colorado to degrade and debase men, and I think that Jeff Farr's influence opened that saloon.

Coupled with the strikers' demand for freedom to trade was the demand that they be allowed to choose their own boarding place and their own doctor. Considered as parts of the feudalistic system, company boarding houses, and company doctors contributed their share to a situation that altogether was intolerable to freemen. Both are institutions that could be maintained on a basis satisfactory to the miners if a strong union existed and the employees could effectively voice grievances as to this as well as to other features of company management.

In return for $1.00 a month deducted from his wages, without his consent, the miner received medical treatment from the company doctor stationed at the mine, and if badly injured was sent to a hospital. The Colorado Fuel & Iron Company maintained its own hospital at Pueblo, while the Victor-American Fuel Co. used the Sisters Hospital at Trinidad.

Evidence is abundant that the system of company hospitals and company doctors offered just cause for grievance. At Sunrise, Wyoming, where the Colorado Fuel & Iron Co. operates an iron mine, the company doctor acted with shocking brutality and carelessness in his treatment of miners and their families, according to the impressive testimony of the Reverend Daniel McCorkle, pastor of the Sunrise church. Not only that, but the company permitted him to deduct fees arbitrarily fixed by himself from the wages of employees before those wages were paid, these fees being for services not covered by the regular fee of $1.00 per month.

Speaking of the company surgeons in charge of the Pueblo hospital, the Reverend Mr. Gaddis says:

> The lack of comforts, the squalor and filth of the camps, is so far removed from these gentlemen, that they are little touched with the feeling of infirmity for those who must endure the hardships of camp life. An appeal to the surgeon general for relief of some despicable situation seldom meets a prompt and adequate response.

Dr. Gaddis is speaking here, not of an appeal from a miner or group of miners, but from himself as head of the company's sociological department.

Dr. Gaddis gives further information regarding sanitary conditions in the camps of the Colorado Fuel & Iron Company:

> A camp physician thus describes a certain Italian quarter at Sopris: "houses up the canyon, so-called, of which eight are habitable; and 46 simply awful; they are disreputably disgraceful. I have had to remove a mother in labor from one part of the shack to another to keep dry." The C. F. & I. company now own and rent hovels, shacks and dugouts that are unfit for the habitation of human beings and are little removed from the pig sty make of dwellings. And the people in them live on the very level of a pig sty. * * * Frequently the population is so congested that whole families are crowded in the one room; eight persons in one small room was reported during the year. * * * The doctor at Walsen describes the conditions of the buildings there last summer (1914). These buildings can be seen—no, I will just add here—
>
> These buildings can be seen today at Segundo, Sopris, Berwind, Morley, Robinson and Crested Butte. The Walsen camp physician reports June 18, 1914, forty-

seven houses in Red Camp are not suitable for occupancy. * * * The superintendent at Berwind, under date of June 4, 1914, reported, or the camp physician reported, 18 four-room houses unfit for occupancy. At Segundo there are 73 one-room shacks, and two 2-room shacks. At an altitude of 10,000 feet in Floresta where the thermometer drops to an extremely low register, there is not a plastered house to be found. The man entrusted to answer the lengthy questionnaires sent out from Washington, in my hearing, was instructed to fill out the blank forms, so as not to arouse suspicion, that conditions would fall below the standards suggested by the interrogations. * * * Dr. Corwin, who was the manager of the social department said to me: "I want you to fill out those blanks * * * you know more about these things than anybody," and Mr. Welborn objected, and he said, "I want you to do that, Doctor, and so answer the questions that in camps where we have no social work, or most of them, they would not investigate. That was practically his instruction.

The unsanitary plight of large portions of company property is due very largely to the fact that the hands of the camp physician are tied by the superintendent. For a man who has made hygienic science a special study, to have his recommendations thwarted by a block-headed "super," makes the general boss of the coal regions supreme in his realm, but it is little less than a crime against the camp population. For a "super" to tell a doctor who has made a request for the protection of the health of the neighborhood, "Now, you are knocking me," all but makes one feel they would like to have a virile pugilist handy to place some genuine knocks.

The physician asked the super to have the camp cleaned up, and no time should have been lost in ridding the place of its malady breeding spots. The "super" replied: "I have no men for that work." * * * I have been impressed with the idea that the awful, omnipotent, Czarlike authority of the local powers that be, rendered them capable to run this camp without any of my suggestions.

As a fruit of such folly, the medical report for all camps and plants for 1912 and 1913 gave 151 cases of typhoid, or nearly three a week for the entire year. For more than a year a cesspool, within a few feet of the company's store, was allowed to relieve itself by overflowing at the top and running down across the principal thoroughfare of the camp. Both the store manager and his wife had been down with typhoid. This stygian situation and others almost as offensive were reported to the head of the medical work, and was passed over by a reply to the "kicker"; "better be careful or you will step on someone's toes."

Chairman Walsh: Is this just an isolated instance, or do they allow the hygienic situation to go unattended in that way generally?

Dr. Gaddis: In some of the camps it could not be worse, and in some it is very good, indeed. * * * We do not believe that more repulsive looking human rat holes can be found in America than those of Berwind Canyon, before the strike.

* * * * *

The physicians are paid a salary generally including house rent and coal free. They are to give gratuitous services for all cases except those of confinement, venereal diseases, and fight bruises. A monthly allowance for drugs of 3 cents per capita is also furnished.

The apportionment for medicine which they must freely dispense, is entirely inadequate to meet their needs. In one camp the doctor's monthly bill for drugs was $25 or more, and he was receiving about $12.00 for such expenses from the company. This arrearage must either be paid from the doctor's pocket, or from the extra money he receives in cases above noted, or from neighborhood practice, or extortion, which is sometimes indulged. BY A SPECIAL ORDER FROM THE HEAD OF THE MEDICAL DEPARTment at Pueblo, the doctor's charges, whether reasonable or extortionate, may be deducted from the employee's pay check.

There is not a camp hotel or boarding house in a C. F. & I. camp where the bed rooms are heated; men suffer with mountain winters.

Presumably for an object lesson for the whole camp, a bill for service was collected through the mine office by the company physician, when the family had been so bold as to call in a doctor of their own choice, and the father was discharged for being unwilling to pay it. This case was reported to the Denver headquarters, and no redress was ever made.

There is another phase of the company hospital system which will be considered later in this report. It relates to the payment of adequate compensation for personal injuries received by employees in mine accidents.

The next formal demand of the strikers having to do with law enforcement was a general demand for the enforcement of state mining laws. Under this head may be considered, the law requiring a semi-monthly pay day, the law prohibiting discrimination against union men; and the law against blacklisting; although the last two are not strictly mining laws, but apply to other industries as well.

The semi-monthly pay day was required by a statute enacted in 1901. It is admitted both by Mr. Bowers and Mr. Welborn that the law was violated and ignored by their company until February 1, 1913. Mr. Bowers writes to Mr. Murphy later in 1913 that he realized it was a matter that would come up in the event of agitation, and here again the company finally began to obey the law, twelve years after it took effect, in order to forestall successful agitation by union organizers, and not because of its respect for law.

In 1897 the Colorado legislature enacted a law making it unlawful for any individual or corporation to prevent employees from forming or joining any lawful labor organization, union, society, or political party, or to coerce employees by discharging or threatening to discharge them because of their connection with such bodies. Operators have denied that this law was violated, but its frequent and deliberate violation has been established overwhelmingly by the testimony. Rev. Mr. McDonald, a Methodist minister, testified before the Congressional Committee that he saw two deputy sheriffs "herding" three miners out of a Victor-American camp, and on inquiry found that they were suspected of being union men. Such testimony could be extended at length. Mr. Bowers himself has testified that his company employed "cut throats" as spies among the miners.

Since the Colorado strike, a similar Kansas statute, forbidding discrimination against union men, has been declared unconstitutional by the United States Supreme Court. It had not been so declared before or during the strike. The operators merely ignored it.

Statutes prohibiting blacklisting of employees were enacted by the Colorado legislature in 1887, 1897, and 1905. Although President Welborn of the Colorado Fuel & Iron Company and the other operators deny blacklisting, it is charged by the Reverend Mr. Gaddis in his testimony before the Commission. And John McQuarrie, former under sheriff of Huerfano County, gave undisputed testimony that he was discharged by the Colorado & Southern Railroad on complaint of President Welborn that he was too friendly with union officials.

The use of the companies' political power to influence legislation has already been shown in a recital of the history of eight-hour legislation. The record does not contain other specific instances. That they did possess power to influence legislation by town, city and county boards in Huerfano and Las Animas counties is an unavoidable inference from the testimony showing the extent of their political influence, and it is reasonable to assume that this power was used.

It remains to discuss, among the purposes for which political domination was used, the companies' control over coroners, sheriffs, and juries whose duties included the investigation of personal injury cases or the awarding of damages for these injuries.

Reports of the State Inspector of Coal Mines of Colorado show that prior to 1909 the number of deaths in the coal mining industry have been nearly two to one for the United States as whole and from 1909 to 1913, about three and one-third to one. According to this official (Mr. James Dalrymple),

> over 50 per cent of all the fatal accidents are avoidable. * * * In the majority of accidents the deceased or injured person is held responsible because of negligence on his part. I do not agree with this because I believe incompetence, and not negligence, is the cause, and the person who is so incompetent that he knows practically nothing about the business in which he is engaged, and is able to understand practically nothing of what is said to him by those in charge, should not be held responsible for accidents to himself or others through his actions.

The "incompetent" miners to whom Mr. Dalrymple refers were imported into Colorado in 1903, 1904 as strike breakers.

Rev. Mr. Gaddis gives the death roll of the Colorado Fuel & Iron Co., in major explosions, omitting accidents in which only one or two lives were lost, as follows: April 2, 1906, Quartro, 19 killed; January 23, 1907, at Primero, 22 killed; May 5, 1907, at Engleville, 5 killed; January 31, 1910, at Primero, 76 killed; October 8, 1910, at Starkville, 56 killed. Total, 178 killed in five years. The same witness testified:

> During a recent period of a little over two years, there were nearly 180 violent deaths in mines of Las Animas County. Within a period of eight years and a radius of some 150 miles of Trinidad, 564 lives were crushed out. In 1914, statistics presented by the United States Bureau of Mines, charge 108 deaths to Colorado.
>
> For three years past the number of violent deaths for every 1,000 employees has increased. Fifty per cent of these fatal accidents are preventable, and yet an adverse deliverance of a coroner's jury was but once levied

> against the company during the past ten years. That perjury before the coroner is common, no one will deny that has serious regard for a breach of the ninth commandment.
>
> A few weeks ago a pit boss and colored miner were killed at Walsen by two runaway cars. It was a topic of conversation among the men of this camp, that the cars had not a double coupling as required. The company was exculpated before the jury, and the "super" assured the deputy state mine inspectors that the cars were double coupled. A few weeks after that incident some fifty colored men were discharged from the Walsen mine, and it was there where this report originated that the cars were single coupled; it started from the colored miners. * * * The "super" was required to reinstate the men.

Mr. Welborn and Mr. Weitzel testified that the Colorado Fuel & Iron Company had begun a campaign for safety and had instituted first-aid and mine-rescue drills, and Mr. Dalrymple, State Inspector of Coal Mines, testified that this company was better than the others in making efforts to avoid accidents. But the testimony shows that even in the mines of this company the accident rate was high. Mr. Welborn and Mr. Weitzel attributed the high rate to geological and atmospheric conditions in Colorado, which increase the danger of mine explosions.

Enough has been clearly established to prove the unusual need in southern Colorado of a fair and equitable method of fixing compensation for the injury or death of mine workers.

The testimony shows that personal injuries suits against the companies are practically unknown, and that injured miners or the widows and children of killed miners are forced to accept whatever compensation the attorneys and other agents of the corporations see fit to give them.

President Welborn of the Colorado Fuel & Iron Co. testified that the amount of compensation is usually determined by consultation between Mr. Herrington, counsel for the company, and himself, with the advice of Mr. Weitzel or anyone else familiar with the circumstances. He stated that the injured man "may be represented" by an attorney or foreign consul. In the last half dozen years Mr. Welborn did not recall more than two or three personal injury suits against the company. As far as Mr. Welborn remembered, the statement is correct that there has been no suit against the company in Huerfano county for twenty years.

The method of drawing coroners' juries in Huerfano county, where Sheriff Farr was the political partner and tool of the Colorado Fuel & Iron Co., is described as follows in the sworn testimony of John McQuarrie, under sheriff of the county from 1903 until 1909.

> Q. Are you familiar with the methods by which coroner's and other juries have been selected in Huerfano county?
>
> A. Yes, I am. Speaking of the methods of drawing coroners' juries, I was always instructed, when being called to a mine to investigate an accident, to take the coroner, proceed to the mine, go to the superintendent, and find out who he wanted on the jury. That is the method that is employed in selecting a jury at any of the mines in Huerfano county.

By Congressman Evans:

> Q. I find in the coroner's records in Trinidad 232 violent deaths between January 1, 1910, and March 1, 1913. Of these cases, recorded by the coroner, I found that the names of the jurors were given in 30 cases out of the 232; I found that a man by the name of J. C. Baldwin was foreman of the jury,—the coroner's jury,—in 24 of the 30 cases on which apparently a coroner's inquest was held. Will you tell me who J. C. Baldwin is?
>
> A. J. C. Baldwin has lived in Trinidad—I have lived

there over 36 years, and Baldwin has been there about 23. He is a gambler and bartender.

Q. What political position, if any, does he hold?

A. For the last five or six years he has acted as secretary for the Republican county central committee. He is a kind of pensioner, and in addition to that he is Dan Taylor's right-hand man in the first ward and foreman of the coroner's juries.

Mr. McQuarrie said he knew of no case where the company was held responsible for negligence by a coroner's jury, and that as a rule the juries found that the victim met his death by his own carelessness.

Mr. J. H. Patterson, a deputy clerk at Walsenburg, presented to the Commission in Denver a certified copy of the record of the last ninety verdicts rendered by coroners' juries in Huerfano county. These ninety verdicts recorded the deaths of 109 persons, of whom 82 did not speak English. In only one verdict of the 90 was the mine management held at fault, and 85 of them, testified Mr. Patterson, bore the language "his own negligence", or, "his own carelessness."

Even had the camp physicians and the hospital system of the Colorado Fuel & Iron Co. been maintained at a large expense, instead of being entirely supported by the enforced contributions of employes, it is apparent from this record that the company could well afford such expense in view of its immunity from personal injury suits and its success in using the law against injured workmen and their helpless families.

In the election of November, 1914, the people of Colorado voted on a measure providing that assumption of risk by the employe should no longer stand as a defense in personal injuries suits. Although this measure was obviously in the interest of mine employees, sixteen precincts in the coal fields returned a vote of 912 against the measure and 573 in favor of it.

The use of political control to deny justice to injured workmen and the families of employees killed or maimed in accidents must be regarded as the most dastardly of all the unsocial and criminal practices that caused the strike.

Of the specific demands of the strikers still to be considered there remains the demands for higher wages and payment for dead work, and the demand for the abolition of the mine guard system. The belief has already been expressed that the question of wages was secondary in this strike. The Colorado wage scale was 10 per cent lower than the Wyoming scale, where mine owners recognize the union. There is much testimony from miners and their representatives that the actual earnings were extremely low, and from the operators that these earnings were exceptionally high. It is difficult or impossible to resolve the conflict between this testimony from evidence in the possession of the Commission. No opinion or conclusion on the merits of the conflicting claims as to the miners' earnings in comparison with those of other districts is here advanced. Other subjects of controversy so far overshadowed the question of wages that elimination of this question would not have changed the progress of events in the slightest.

The miners' demand for the abolition of the mine guard system sprung from wide-spread resentment against the employment by the companies, as peace officers, of armed men clothed with the authority of town marshals and deputy sheriffs and with the still greater and more arbitrary authority of the employing company. These men cooperated with spies, characterized by Mr. Bowers as "cut-throats", in keeping the camps rid of workmen who dared to exercise the right of free speech and to talk in favor of unionism or who were otherwise offensive to the company officials.

The extent of the mine guard system and the readiness with which the force of guards could be increased whenever their employees became more restive and discontented than usual is well shown in the testimony of Sheriff Jeff Farr before the Commission in Denver.

Witness McQuarrie, former under sheriff of Huerfano county, testified that Robert Lee, one of the camp marshals employed by the Colorado Fuel & Iron Co., was a violent bully who had entered the homes of the miners without cause and insulted their women, and toward whom the miners and their families felt an intense fear and hatred. Many of Lee's offensive acts, said Mr. McQuarrie, were committed while he was under the influence of liquor.

Mr. McQuarrie testified also that early in the strike he took charge of a force of about forty Texas cowboys and gunmen who had just arrived in Trinidad from Texas, and conducted them to Ludlow after Sheriff Gresham of Las Animas county had given them arms and deputy sheriff's commissions.

The Colorado legislature of 1913, whose deliberations preceded the strike, attempted to prevent the importation of armed guards by passing a law requiring that any person receiving a commission as deputy sheriff must have been a resident of the state for one year preceding the issuance of the commission. This law did not take effect before the strike, because employing interests invoked the referendum.

CHAPTER II.

THE REFUSAL OF A CONFERENCE.

This report has related the efforts of officials of the United Mine Workers to obtain a conference with the leading operators prior to the calling of the strike. These began with an attempt to arrange a conference through the good offices of Governor Ammons, by direct appeal in conciliatory letters sent to all operators on August 26, and through the good offices of the United States Department of Labor, acting after assurances that a strike was imminent unless such a conference could be arranged. It was not until more than a month had been spent in these fruitless endeavors, and until it became apparent that the operators would not so much as enter the same room with representatives of the Union, that, after a final written request for an interview in which the likelihood of a strike was plainly stated, the union officials called the convention which voted for a strike.

Spies and local officials had kept the operators fully informed of the unrest existing in the coal camps. That this unrest was of long standing is shown by Mr. Bowers' letter of Sept. 19, 1913, to Mr. Murphy, in which he tells of the steps taken within the preceding year or two to forestall agitation. Before the strike began Mr. Welborn wrote to a director in New York, Mr. J. H. McClements, expressing the writer's anxiety and predicting that most of the men would go out if a strike were called.

In his letter of Sept. 19 to Mr. Rockefeller's office, Mr. Bowers makes the significant admission that the operators believed they could avoid the strike by merely granting a conference to the union officials. He writes:

> The strike is called for the 23rd, but it is thought on the part of a good many operators that the officials, anticipating being whipped, will undertake to sneak out if they can secure even an interview with the operators, which

so far they have been unable to do, thus boasting before the public that they have secured the principal point; namely, recognition of the union.

It was three days before the date of this letter that Mr. Rockefeller in New York had declined to see Mr. Ethelbert Stewart, of the United States Department of Labor, and instead had directed his attorney, Mr. Murphy, to receive Mr. Stewart and to refer him to the executive officials in Colorado.

In the light of Mr. Bowers' admission that a mere conference would have prevented the strike, the operators' refusal to grant such a conference must be regarded as making them responsible for all the disasters that followed. For it was a policy opposed to the spirit and the practice of the times, and the state of mind which dictated it can only be explained on the theory that the habit of arbitrary power had fastened itself on the men who ruled the coal mining counties from their offices in Denver.

Governor Ammons continued his efforts to effect a settlement after the strike began. Violence had begun early in the strike; armed men imported by the companies from Texas, New Mexico, West Virginia and Denver swarmed about the mining towns and clashed frequently with armed strikers from the tent colonies; winter was coming on and a coal shortage threatened the State; miners and their wives and children numbering from 10,000 to 15,000 faced the winter in hastily established tent colonies at the mouths of the windswept canyons.

On October 26 Governor Ammons called a conference of the policy committee of the United Mine Workers at his office, which was attended by President White of the United Mine Workers of America. The union officials expressed a willingness to settle on any reasonable basis. The Governor told the union officials that the operators were insisting on the state troops being called out, and he said: "Before I call them out, I am going to make another great effort to bring about a settlement, an amicable settlement, and I want you to help me."

President White replied: "If the operators will but grant us a conference we know that this strike will be settled."

Governor Ammons communicated with the operators, informing them that he believed the union officials would be willing to waive the question of union recognition and an increase in wages, and asked if the operators had anything to offer. The operators replied that they certainly would not make any concessions to the men who at that moment were attacking their properties and employees.

On October 27 Messrs. Welborn, Osgood and Brown, constituting the policy committee of operators, called at Governor Ammons' office at his request.

On the previous evening Mr. Welborn, in a telephone conversation, had suggested to the Governor that the operators would sign a letter promising to obey all state laws affecting the conduct of their mines and the well-being of their employes. Governor Ammons had prepared such a letter with the aid of former United States Senator T. M. Patterson, and the draft was submitted to the operators' committee. They refused to sign it without alterations, alleging that Senator Patterson had not quoted correctly the law prohibiting discrimination against members of labor unions and that in its present form the letter inferred an admission that they had not previously obeyed the state laws. They prepared a substitute letter in which the laws were referred to in only general terms and which contained a statement that the operators would observe all laws, as they had in the past. When this letter was submitted to the union officials as a basis for settlement, they rejected it saying the letter contained nothing but a general promise to obey the law and that such promises had been made before and broken.

On November 11 or 12 Governor Ammons made a verbal proposition to the strike leaders whereby operations might be resumed in the mines in Routt county. These mines were not owned by the large companies and were at a distance from the center of trouble, in Las Animas and Huerfano counties. Any settlement there would not have affected seriously the strike situation as a whole, and would have been comparatively unimportant. The Governor's proposition included a 10 per cent wage increase; no discrimination against miners on strike; recognition of the right of miners to belong to a union without interference by the companies; the miners to have the right to a check weighman and to board and trade where they pleased, and the formation of a committee to settle future disputes and grievances. This arrangement, it was proposed, should remain in force until March 1, 1914.

The policy committee of the United Mine Workers replied in a letter dated November 12 that it had no authority to deviate from the instructions laid down in the Trinidad convention in September; the committee could not enter into a verbal agreement or make any change in demands without calling a special convention. It pointed out also that any deviation from the demands of the Trinidad convention would be unfair to the independent operators who had signed the union scale and who at that time were employing about 1,500 miners. Although they did not so state in their letter to the Governor, the union officials believed that the small operators responsible for this proposition wished merely to arrange a truce with the union throughout the winter in order that they might operate their mines without difficulty and profit from the high prices brought about by the tying up of the large companies.

Governor Ammons then asked the policy committee of union officials to submit a proposition for a settlement of the strike. The committee proposed that the operators meet and confer with five representatives of the union, of whom three were to be miners on strike and the remaining two Mr. Lawson and Mr. McLennan, both of whom were residents of Colorado. Any settlement to be reached as a result of such a conference was to be submitted to the miners in a special convention. The operators ignored this proposition.

Governor Ammons next asked President Wilson to ask Secretary Wilson of the Department of Labor to go to Colorado and try to effect a settlement. Secretary Wilson went to Denver and remained ten days. Messrs. Welborn, Osgood and

Brown agreed to meet three striking miners formerly employed by the companies involved. Conferences were held in the Governor's office, with Secretary Wilson present. The operators had insisted on a distinct understanding that the question of union recognition should not be raised. After each point was discussed Governor Ammons would call for a vote of the three operators and the three miners, Messrs. Evans, Allison and Hammon. All points were tentatively agreed upon except the question of wages and a plan for the adjustment of future disputes, according to Governor Ammons' testimony before the Commission. The conference decided that Governor Ammons should write a letter suggesting a settlement on the lines discussed in the conference. The plan of settlement proposed in Governor Ammons' letter was substantially the same as the proposition made by the operators in October during the conference with Governor Ammons and Senator Patterson. It made no provision for an increase in wages, a contract of any kind, or for machinery for the settlement of future differences. It provided that the operators would obey the laws; and that all employees on strike should be given work except where their places had been filled by others or where they had been guilty of acts of violence.

Secretary Wilson, while approving this letter as far as it went, objected that it made no provision for the adjustment of future disputes, and he wrote a second letter covering that point. The operators rejected Secretary Wilson's proposition, and accepted the plan of settlement set forth in Governor Ammons' letter.

Governor Ammons' proposition was unanimously rejected by the strikers at mass meeting called for the purpose of acting on it. The operators alleged that this rejection was "railroaded through," and that the strikers, had they understood the proposition, would have accepted it.

It is this plan of settlement contained in Governor Ammons' letter of November 27, to which Mr. Rockefeller and the other operators referred repeatedly in the statements and bulletins which they issued later in the strike after the Ludlow massacre had impressed on them the wisdom of self defense. The effort is made to convince the public that in accepting the Governor's proposition the operators conceded all that reasonable men could ask, and that the strikers in rejecting it became responsible for an unjustifiable continuance of the strike. Therefore it is important to arrive at a correct conclusion regarding the validity of the operators' action as an effort in good faith to meet the strikers half way and as a modification of their previous arbitrary refusal to yield an inch.

Following is Mr. Bowers' comment on the conference of November 26. It is contained in a letter to Mr. Rockefeller dated November 28, the day following the rejection of Secretary Wilson's plan of arbitration by the operators and of Governor Ammons' plan of settlement by the strikers:

> I see a "nigger in the woodpile" in Secretary Wilson's proposition to have an arbitration board consider two points, one of which is (a) the question of an increase in wages, which, if the board granted, however slight it might be, then the labor leaders would declare the country over that they had gained a victory over the operators and forced them to make a concession, which we do not propose to permit in any circumstances. I can see no particular objection to the formation of an arbitration board, as suggested by Secretary Wilson, providing the three miners are non-union men who have remained in the employ of the coal operators during this strike, but to this I am sure that neither Secretary Wilson nor the labor leaders would consent. What they want is to get on the board three striking miners who are union men, and they would keep up a perpetual controversy on a hundred and one little technicalities, which the labor leaders are notorious for doing wherever union men are employed.

And Mr. Welborn's comment is contained in the following:

The Colorado Fuel and Iron Company,
Denver, Colo.
J. F. Welborn, President.

December 4, 1913.

My dear Mr. McClement:

We feel that we have made substantial progress in the conduct of the strike since I last wrote you, although the increase in output during the three weeks has not been large.

At the urgent request of the Governor and under some newspaper pressure, we met three of our striking miners in conference with the Governor November 26th. There has never been any substantial objection to meeting our own employees or our former employees for the purpose of discussing proper matters, yet we have felt that such a meeting might be construed as an indirect recognition of the officers of the union.

We succeeded, however, in yielding to the requested meeting in such manner as to have the selection of the men, nominally at least, in the hands of the Governor, and when the meeting was called to order by the Governor who acted as chairman, the miners in answer to questions stated that they represented only themselves directly and would be obliged to take back to the miners for their approval or disapproval whatever understandings, if any, might be reached. We reached no direct understanding; in fact we wanted none, as we were almost sure that had an understanding between the miners and ourselves been reached it would have received the stamp of approval of the officers of the organization and in that way been twisted into an arrangement between us and the organization.

But the most conclusive evidence regarding the bad faith f the operators in this alleged consent to meet their men is ontained in the following extract from the examination of Ir. Ivy L. Lee at Washington, in May, 1915. Mr. Lee had vis-ed Colorado and had become, since the strike, a director rep-esenting Mr. Rockefeller in the Colorado Fuel & Iron Co.

Commissioner Weinstock: Are you aware of the fact, Mr. Lee, that it was brought out in the testimony here, that the operators did meet with representatives of the strikers in the office of the Governor some two months after the strike took place?

Mr. Lee: Yes, that has been brought out, Mr. Weinstock; but I cannot say that I have been impressed with the fact that the representatives of the men who met the operators were truly representative.

Commissioner Weinstock: Now, will you explain in what way they did and did not represent the men?

Mr. Lee: Well, I just give you my impression. I have not been impressed with the representative character of that committee.

Commissioner Weinstock: Do you recall who the members were?

Mr. Lee: I do not. I simply give you a general impression. My feeling is that that was one serious mistake.

Commissioner Weinstock: Meeting these men in the office of the Governor?

Mr. Lee: It was the failure to meet the real representatives and talk it over with them.

Commissioner Weinstock: You don't know how these men were chosen that met in the Governor's office?

Mr. Lee: No; I simply give you my impression as to their general standing.

In a final effort to bring about a settlement, Secretary Wilson held a conference with the operators on December 4, at which he proposed to create a conciliation board the members of which would be selected by both sides. In the meantime President Wilson had written to members of the operators' committee pointing out the serious consequences of a continued conflict and urging a spirit of accommodation. The operators refused to consider Secretary Wilson's suggestion, saying it would of necessity involve recognition of the union and its officers and on the further ground that there were no differences between the operators and their employees. Secretary Wilson returned to Washington.

Repeated efforts to settle the strike by private and public agencies were made during the winter that followed. All were resisted by the operators, who pointed to the strikers' rejection of the plan suggested by Governor Ammons in his letter of November 27. The most important of these efforts was that of Representative Foster, chairman of the Congressional sub-committee that held extended public hearings in Denver and Trinidad during February and March. Dr. Foster wrote to Mr. Rockefeller and visited him in New York in a futile endeavor to convince him that the differences should be arbitrated. Mr. Rockefeller said the matter was being handled entirely in Colorado and refused to act. The operators replied to Dr. Foster's request for arbitration that the miners had refused the terms offered them in November and that consequently all the disorder that had occurred from that date was due and chargeable to the union.

Mr. Rockefeller continued his policy of resistance after the Ludlow massacre. He telegraphed the Denver officials strongly urging them to issue a statement that would recall the rejection of Governor Ammons' plan by the miners and that would thus place the blame for all that had happened on the strikers. He refused to see Judge Ben Lindsey, a distinguished citizen of Colorado who went to New York and asked for an interview.

With the nation aroused by the Ludlow massacre, Secretary Wilson renewed his efforts to bring about peace. He appointed a commission composed of Mr. Hywell Davies, a Kentucky coal operator, and W. R. Fairley of Alabama, a former official of the United Mine Workers, to go to Colorado and attempt mediation. This commission spent several weeks in Colorado. Although Mr. Davies was himself a coal operator, he encountered considerable difficulty in securing the consent of some of the large operators to answer a list of printed questions which he submitted to all the operators with the object of obtaining all the facts. The operators insisted that they would deal with him only on the understanding that he was to make no effort to bring about a settlement with the union. Mr. Davis found the operators extremely bitter and obstinate. Messrs. Davies and Fairley completed their investigation late in the summer, and submitted a report which later served as the basis for a plan of settlement proposed by President Wilson September 5th.

Acting after all other agencies had failed, and when the war in Europe and the consequent depression in this country had rendered the needless continuance of civil strife particularly intolerable, President Wilson himself addressed a plan of settlement to the operators and the strikers. Under date of September 5, 1914, he addressed each operator as follows:

THE WHITE HOUSE,
Washington.

September 5, 1914.

My dear Sir:

I feel justified in addressing you with regard to the present strike situation in Colorado because it has lasted so long, has gone through so many serious stages, and is fraught with so many possibilities that it has become of national importance.

As you know, federal troops have been in the State for the purpose of maintaining order now for a long time. I have been hoping every day during that time that some light would come out of the perplexities of the situation, some indication that the mine operators and the miners who are now on strike were willing to consider proposals of accommodation and settlement, but no such indication has reached me, and I am now obliged to determine whether I am justified in using the Army of the United States indefinitely for police purposes.

Many things may come out of this situation if it is not handled with public spirit and with a sincere desire to safeguard the public as well as all others concerned; perhaps the most serious of them all the feeling which is being generated and the impression of the public that no one is willing to act, no one willing to yield anything, no one willing even to consider terms of accommodation.

As you know, two representatives of the Government of the United States have been actively engaged in investigating the whole situation and in trying to reach a dispassionate conclusion as to what it is possible to do in justice to both sides not only, but also, in the interest of the public. The result of their investigations and of their very thoughtful consideration in the matter has been the drafting of the enclosed "tentative basis for the adjustment" of the strike. I recommend it to you for your most serious consideration. I hope that you will consider it as if you were acting for the whole country, and I beg that you will regard it as urged upon your acceptance by myself with very deep earnestness. This is a time, I am sure you will feel, when everything should be done that it is possible for men to do to see that all untoward and threatening circumstances of every sort are taken out of the life of the people of the United States.

Sincerely yours,

Enc. (Signed) WOODROW WILSON.

* * * * *

DRAFT OF A TENTATIVE BASIS FOR THE ADJUSTMENT OF THE COLORADO STRIKE.

WHEREAS, the industrial conflict in the coal mining fields of Colorado has disrupted the peace of those sections of the State to the extent that a state of war has practically existed for some time, and

WHEREAS, a temporary peace is maintained by the presence of the Federal troops;

THEREFORE, there should be established a three-year-truce, subject to:

1. The enforcement of mining and labor laws of the State.

2. That all striking miners who have not been found guilty of violation of the law shall be given employment, by the employer they formerly worked for, and where the place of the employe has been filled, he shall be given employment as a miner at the same or other mines of the company.

3. Intimidation of union or non-union men strictly prohibited.

4. Current scale of wages, rules and regulations for each mine to be printed and posted.

5. Each mine to have a Grievance Committee to be selected by majority ballot at a meeting called for the purpose, in which all employes (except officials of the company) have the right to participate.

Members of said committee must be employed at least six months at the individual mine before being eligible.

Married men to be in the majority on each committee.

Grievances to be first taken up individually with the proper officer of the company. Failing adjustment, they can refer to their local grievance committee for further consideration with the mine officials. Still failing adjustment, the matter shall be submitted to a Commission composed of three men to be appointed by the President of the United States and which shall be representative of each side, with the third member to act as umpire, whenever necessary. This Commission shall, during the three years of truce, serve as adjusters or referees in all disputes (whether individual or collective) affecting wages, working and social conditions.

Said Commission shall devote primarily all the necessary time to the consideration and adjustment of such disputes.

6. It is understood as a condition of the creation of said Commission, that during the life of the truce—

(a) The claim for contractual relations is to be waived, but this shall not prevent the voluntary agreement between any employer and their employes during the life of this truce.

(b) No mine guards to be employed, but this does not preclude the employment of necessary watchmen.

(c) In the establishment of the truce the presence of the Federal or State troops should become unnecessary.

(d) There shall be no picketing, parading, colonizing, or mass campaigning by representatives of any labor organization of miners that are parties to this truce, which will interfere with the working operations of any mine during the said period of three years.

(e) During said truce, the decisions of the Commission in cases submitted shall be final and binding on employers and employes.

(f) There shall be no suspension of work pending the investigation and reaching a decision on any dispute.

(g) The suspension of a mine over six consecutive days by the company may be authorized for a cause satisfactory to the Commission, but not pending any dispute.

(h) Wilful violations of any of these conditions will be subject to such penalties as may be imposed by the Commission.

On account of the mutual benefits derived from the truce, the employers and employes should each pay one-half of the expenses of the Commission.

Respectfuly submitted,

....

Commissioners of Conciliation.

President Wilson's plan was promptly accepted by the policy committee of the Union, subject to ratification by the strikers. A special convention of the miners was held at Trinidad, September 15, and the delegates by an almost unanimous vote accepted the proposed plan of settlement.

The operators, however, addressed a letter to the President flatly rejecting his plan. Their particular objection was to the provision for the appointment of a permanent commission by the President to act as conciliators during the three-year period. This they regarded as an interference with their business by outsiders that could not be tolerated. They also declared that it would be impossible to re-employ strikers not guilty of acts of violence, because to do so would mean the discharge of men who had risked death or injury during the strike.

The operators' refusal to accede to the President's wishes came after they had been fully advised that public opinion, as expressed through the press of the nation, strongly supported the President and approved his plan. Writing under instructions from Mr. Rockefeller, Mr. Murphy addressed President Welborn on September 8, as follows:

> The fact that the President of the United States has suggested a plan of settlement and has given it out to the public produces a delicate situation which we have no doubt you gentlemen in the west will handle in the same careful and diplomatic way in which you have handled the whole situation, thus far, avoiding on the one hand any entanglement with the labor union and on the other an attitude which would arouse a hostile public opinion. We are, of course, greatly interested, and if you think we can be of any service in helping you to prepare a reply we shall be most happy to collaborate on any draft of one which you may send us.

Mr. Rockefeller here sends his instruction that there be no entanglement with the labor union, which, it apparently was feared, might grow out of an acceptance of the President's plan. The letter of Mr. Murphy apparently conveys Mr. Rockefeller's wish that his Colorado officials shall not be unduly impressed or swayed from their course merely by a request from the President of the United States.

But Mr. Rockefeller's staff in New York were impressed with the support given to President Wilson's plan of settlement after it had been made public. Mr. Murphy sends Mr. Welborn the clippings, and writes on September 16:

> I am impressed with the frequency with which they make the point that the parties should either accept the President's plan or suggest some other. It seems to me clear that public opinion will demand either the acceptance of the President's proposition or some constructive suggestion from the operators. A mere refusal to do anything would be disastrous.

How the Company sought to appease public opinion by inserting in the letter of rejection to the President, a statement that a plan was being developed for dealing with the men even more comprehensive than that urged by the President, has already been set forth, together with the evidence showing that at the time Mr. Welborn wrote this letter he had not even formulated such a plan, nor, apparently, had decided to take such action.

It has already been made clear that Mr. Welborn's rejection of the President's proposal did not represent merely his personal will. Supplementing Mr. Murphy's earlier letter with its warning against an "entanglement," Mr. Rockefeller sent Mr. Ivy L. Lee, his publicity expert and personal adviser, to Denver to assist Mr. Welborn in the preparation of the reply to the President. On September 18, 1914, Mr. Welborn wrote to Mr. Murphy:

> Before receiving your letter, we had for several days, in fact since Mr. Lee's arrival, Monday afternoon, been engaged in the task of framing a letter which would, as tactfully as possible, set forth to the public our point of view. Mr. Lee tells me he sent Mr. Rockefeller last night a copy of the letter we drafted before your own arrived. We have today very carefully gone over the whole subject, and have been glad to embody in our letter some of your suggestions.

The fact that two members of Mr. Rockefeller's personal staff were assisting in the preparation of the reply to the President was to be carefully concealed from the public. In the same letter Mr. Welborn writes:

> But for Mr. Lee's presence here, and the invaluable assistance he has rendered in the preparation of our reply, I should have gone to New York for consultation with you, and considering the probable public criticism of my presence at your office at the time when it would have been generally known that the answers to the President's proposal were being prepared, I think it is very fortunate that we have been able to make reply direct from Denver, with the public fully informed as to my presence here.

Enough has been told to prove that a spirit of accommodation or conciliation at no time actuated the mine owners either in Colorado or New York. The evidence is conclusive that such a spirit, if manifested, would have prevented the strike and all the disastrous events that accompanied it.

CHAPTER III.

VIOLENCE AND POLICING.

The first act of violence in connection with the strike was the killing of Gerald Lippiatt, an organizer for the United Mine Workers of America, by George Belcher, a Baldwin-Felts detective in the employ of the Colorado Fuel & Iron Co. Lippiatt was shot down on a public street in Trinidad before the strike began. There were the usual charges of an altercation, and Belcher asserts that he fired in self defense.

But the question as to who committed the first act of violence is of minor importance. Conditions in the coal mining district were such that violence was inevitable. The testimony of Sheriff Jefferson Farr and former Under-sheriff John McQuarrie proves that men accustomed to the ready use of a revolver or rifle had been imported into the district in large numbers from Texas, New Mexico, West Virginia, and other sections by the Colorado Fuel & Iron Company and its associates. These mercenary adventurers had been employed and armed by the coal companies prior to the strike, and had been given deputy sheriffs' commissions by the sheriffs of Las Animas and Huerfano counties, who were political partners and agents of the coal companies.

When the miners left their homes on company property and established tent colonies on land leased by the United Mine Workers, they knew that they could expect no protection from officers of the law. A sheriff who at the company's behest would deputize hundreds of men whom he had never seen, and who, for all he knew, "might be red handed murderers fresh from the scenes of their crimes," could not be counted upon to safeguard the rights of striking employees of a company that was his partner in the liquor business and his political master. Mr. Lawson, the most prominent Colorado official of the United Mine Workers, knew from bitter experience how low the sheriff of Huerfano county would stoop to aid the operators and to crush the strike. The scene was set, so far as the operators were concerned, for a repetition of 1903 and

1904, when every constitutional right of the strikers had been violated and they had been deported, imprisoned and assaulted.

At the inception of the strike it seems clear that the union officials and the strikers determined that 1903 was not to be repeated; that at the first attempt of the operators' private army to override their rights, there should be resistance. But it is clearly established that the operators had employed 326 armed mine guards in Huerfano county alone prior to Sept. 1, and that no step to arm the strikers was taken by union officials until twelve days after that date. Mr. Welborn gives Sept. 12 as the first date when, it is alleged by the operators, arms were purchased of a Pueblo hardware dealer by agents of the union. Union officials have frankly admitted the purchase of arms and have quoted that section of the Constitution of Colorado which reads: "The right of no person to keep and bear arms in defense of his home, person, and property, or in aid of the civil power when thereto legally summoned, shall be called in question."

Active in the management of the companies' armed guards were agents and officials of the notorious Baldwin-Felts Detective Agency of West Virginia. This agency already had a record for ruthless and brutal treatment of strikers, acquired during the coal strike in West Virginia. It was employed by the Colorado Fuel & Iron Company to aid in recruiting guards, to install and operate machine guns at the principal mines, and generally to supervise and assist the work of protecting the properties and suppressing the strike. Under direction of A. C. Felts and Detectives Belk and Belcher of this agency, an armored automobile was built at the shops of the Colorado Fuel & Iron Company at Pueblo. This car, christened "The Death Special," was mounted with a machine gun and used first by company guards and later by militia officers.

In addition to the presence of large numbers of armed guards and the absence of honest and impartial public officials to control them, there existed the elements of violence that are common to all large strikes. The strikers had established tent colonies at strategic positions near the mouths of the canyons in which the mines were situated, so that strike breakers going from the railroad stations to the mines were forced to pass near them. The history of strikes shows that workmen on strike feel that they have a property interest in their jobs, and that other workmen who take their places and thus aid their employers to defeat the strike are fit subjects for abuse, ridicule, and violence. It is only by ostracising and intimidating strike breakers that organized workmen can hope to discourage the practice and thereby win in a struggle for higher wages or for industrial democracy. For after negotiation fails, their only means of exerting a compelling influence on the employer is to stop production by quitting work and to prevent a resumption of operations by keeping out strike breakers. And society, if it wishes to prevent violence in industrial disputes, has only two courses open: to prohibit strikes, and in so doing to establish involuntary servitude; or to prohibit the importation of strike breakers at least until the employers consent to meet officials of the strikers' union.

The second act of violence in connection with the strike, and the first after it actually began, was the killing of Robert Lee, a marshal employed by the Colorado Fuel & Iron Company. He was shot at Segundo on Sept. 24, the day after the strike began. Mr. Welborn testified that a striker in ambush shot Lee while he was attempting to arrest four strikers who were found engaged in tearing down a foot bridge. According to former Under-sheriff John McQuarrie, Lee was a bully who had insulted the wives of miners and had incurred their bitter hatred.

On Oct. 7, 1913, there was an exchange of shots between a party of detectives and company agents and a party of strikers from the Ludlow tent colony. An attack by mine guards was made on the Ludlow tent colony Oct. 9, and one miner was killed. Following this attack, the Policy Committee of the Union sent a letter to the operators deploring the killing at Ludlow and asking their assistance and cooperation to prevent any similar occurrences in the future. No reply was received.

On Oct. 17 a party of mine guards rode to the Forbes tent colony in an armored automobile and opened fire on the colony with a machine gun. One man was killed and a boy was shot nine times through the leg. A few days later mine guards fired on strikers in the streets of Walsenburg and killed three union men.

Enraged by these occurrences, and alarmed by rumors of attack, the tent colonists began arming themselves rapidly. At Ludlow 150 women and children were sheltered in the tent colony, and reports that the mine guards were coming in an armored train to attack the colony as they had attacked Forbes colony caused great excitement.

The wanton attack on Forbes colony, the record of the operators and their agents for intimidating and overriding strikers and union organizers, and the character of the men employed as guards lead to the conclusion that a deliberate attempt was made at this time to terrorize the strikers in order to prevent further desertions and to drive the men already on strike back to work. On the part of the union officials and their followers there was a determination that such an attempt should not succeed.

At this time Lieut. K. E. Linderfelt of the Colorado National Guard had arrived at Ludlow from Denver. He testified that he had been sent by Adjutant General John Chase to investigate and to determine whether or not the militia were needed. The conduct of Linderfelt after his arrival and his status at this period is clouded with mystery. Instead of conducting himself as an impartial investigator he accepted a deputy sheriff's commission and took charge of a force of mine guards employed by the companies in the Ludlow district to escort strike breakers from the station to the mines in adjoining canyons. Linderfelt was a professional soldier and machine gun operator, with a record of service in the Philippines and the Mexican revolution. His conduct later in the strike proved him to be belligerent, hot tempered, domineering and brutal.

On the day following the killing of the three strikers at Walsenburg, in the adjoining county, a fight started between Linderfelt's detail of mine guards and the Ludlow tent colonists. Linderfelt and his men retreated to Berwind Canyon, after being reinforced by a force of sixty guards. He estimated by the volume of firing that the strikers had a force of from 150 to 200 men, "possibly less." One deputy was killed. Early the next morning, according to Linderfelt, an attacking force which he estimated at 25 or 30 strikers, fired down into Berwind from the hills above. After an hour of firing the strikers retired. Meanwhile Sheriff Gresham and A. C. Felts of the Baldwin-Felts Detective agency recruited a force of fifteen local militiamen and about fifty mine guards in Trinidad. This force was entrained on steel box cars, and the train was equipped with machine guns. After some difficulty they induced a crew to man the train and it started toward Ludlow. The strikers were notified of its coming, and, thinking this was the "armored train," from which the mine guards were to shoot up the Ludlow colony, those colonists who were armed hurried along the tracks toward Trinidad and took up positions on a hill about a mile south of Ludlow to await its arrival. They were determined to stop the train if possible. When the train arrived the shooting began. The engineer was killed, and the train was forced to turn back to Forbes Junction where the mine guards detrained and made their way across the hills to the canyon where Linderfelt and his man had taken refuge.

On the following morning, Oct. 27, a body of strikers attacked the power house and mine buildings where the guards were sheltered. Two children were shot while in bed. The firing lasted about thirty minutes. The only known casualties were the two children, but Linderfelt said he found "a great many pools of blood up there, and I think thousands of empty shells."

Mr. Lawson had been visiting the Ludlow tent colony for several days prior to Oct. 26, when he went to Denver to attend a conference in Governor Ammons' office. He was present during much of the fighting described above. This fact and the extent of the fighting indicates that the union officials and the strikers had decided upon a vigorous policy to prevent the mine guards and detectives from shooting into and terrorizing the crowded Ludlow colony as they had that at Forbes. There is no reason to doubt either the sincerity or the reasonableness of their belief that a murderous attack on the Ludlow colony was imminent. Enough has been established as to the desperate methods to which peace officers would resort in behalf of the companies to justify a very real terror and excitement.

In all discussion and thought regarding violence in connection with the strike, the seeker after truth must remember that government existed in southern Colorado only as an instrument of tyranny and oppression in the hands of the operators; that, once having dared to oppose that tyranny in a strike, the miners' only protection for themselves and their families lay in the physical force which they could muster.

It remains to be seen how even the supreme authority of the State failed to protect them in their struggle for the right to work and live as free men and to bring up their children in an atmosphere where law and order was not synonymous with the anarchistic will of a lawless corporation.

CHAPTER IV.

THE COLORADO MILITIA AND THE STRIKE.

While the strikers and mine guards were waging guerrilla warfare on October 26 and 27, Governor Ammons of Denver was making a last effort to bring about a settlement. When his efforts failed he issued orders to Adjutant General Chase, calling out the militia and ordering General Chase to occupy the strike district. The fight between Linderfelt's men and the strikers in Berwind Canyon occurred on October 27. On the following day the State troops took the field. The units sent into the field included cavalry, infantry and artillery.

Up to this time and for several weeks thereafter Governor Ammons had devoted all his efforts to bringing about a settlement on a basis that would be fair to all concerned, and no serious question had been raised as to his fairness and impartiality. In his orders to General Chase regarding the conduct of the troops in the strike zone, he specified that the troops should be used, first, to afford protection to all property; second, to afford protection to all men who were then at work; third, to protect any men who might wish to return to work; but that under no circumstances should the troops be used to aid in the installation of imported strikebreakers. In giving these orders Governor Ammons adopted the recommendation of former United States Senator Thomas M. Patterson, a resident of Colorado for forty-two years and one of the leaders in Colorado of the political party to which Governor Ammons belonged. Senator Patterson's views were based on a varied experience in dealing with labor disturbances, as a public official, a politician, a mine owner, a newspaper publisher and a public spirited citizen. Governor Ammons accepted his view that to permit the use of the troops in escorting strikebreakers would be to turn them over to one of the parties to the conflict. That this policy of Governor Ammons was not out of line with the correct theory of policing strikes is indicated by the fact that when the

Federal troops entered the field seven months later similar orders were issued to them by the Secretary of War.

The wisdom of prohibiting the importation of strikebreakers as a means of maintaining order has been amply demonstrated, but this policy rests on a firmer basis than its mere expediency. The record in Colorado shows that in 1903 and 1904, and again during the strike under discussion, the coal operators had no scruples in taking steps to displace men who for years had been attached to the mining communities by ties of family, friendships and love of State, with homeless and penniless immigrant workmen from distant states. The record shows that strikebreakers were imported in carload lots under the guard of private detectives who recruited them in distant cities, and that both on the train and after their arrival in Colorado they were treated more as chattels than as free men. Contracts in the possession of the Commission made by detective agencies engaged in such work show that these agencies guarantee against the escape of strikebreakers enroute by providing guards for the front and rear entrances of the railway coaches. So extensive are the organizations of such agencies that strikebreakers can be supplied within a short time in any numbers. If employers and strikebreaking agencies are to be permitted to operate in this fashion without let or hindrance, it means that entire communities of home-making and home-loving citizens can be displaced almost over night by an army of homeless vagabonds, drawn from the scum of the labor markets of widely scattered cities. This practice makes wanderers of hard-working and home-loving men whose only offense is that they have taken part in a strike. It fills strikers with hatred and leads inevitably to violence, and finally it has a disastrous effect on the community and the State by working a deterioration in the quality of the citizenship.

Two days before the State troops were called out, Mr. Lawson, the strikers' leader, had been called to Denver to be present during the final unsuccessful attempt to procure a settlement. He returned to the strike zone October 29 and addressed the strikers in the Ludlow Tent Colony, informing them that the State troops were to be strictly impartial, that they would not assist in the importation of strikebreakers, and that they meant to disarm everyone, mine guards and strikers alike. He asked the strikers to welcome the militia and to surrender their arms peaceably.

Good reason existed for a distrustful and suspicious attitude toward the State troops on the part of the strikers. Lieutenant Linderfelt had come to the strike zone as a representative of General Chase, the commanding officer of the State troops, and instead of acting impartially had taken command of a detail of mine guards and deputies engaged in escorting strikebreakers from the Ludlow station to the mines. General Chase himself, nine years before, had commanded the State troops at Cripple Creek during the strike of metalliferous miners, and had been active in arresting strikers in large numbers and imprisoning them in the notorious "bull pens." Senator Patterson testified before this Commission that he was convinced at the time, and still believes, that the Mine Owners' Association, through its committee, really directed the operation of the troops. During this strike of 1904 at Cripple Creek the District Judge ordered the release of arrested strikers on a writ of habeas corpus. On this occasion troops under General Chase's command guarded the interior of the court room and presented arms when the Judge entered. Immediately after the order of release General Chase arose and announced that he must decline to comply with the request of the court and ordered the military guard to keep the men under arrest and to take them out as prisoners. Not only was this same General Chase now the commanding officer, but his principal aid was Major Edward J. Boughton, attorney for the Cripple Creek Mine Owners' Association, that had, according to Senator Patterson, directed the operations of the troops during the strike nine years previous.

In spite of evidence that prominent officers of the guard might be expected to favor the operators, the strikers at Ludlow and elsewhere complied with Mr. Lawson's request, and, on the arrival of the troops, greeted them with band music, parades and cheering. General Chase ordered the disarmament of both mine guards and strikers. He testified that about two thousand guns were taken up in the strike district and that of this number about three-fourths were taken from mine guards and operators. Other officers of the guard testified that strikers gave up their arms reluctantly and undoubtedly hid a large number of rifles and revolvers.

Soon after the troops entered the field many business men and salaried employees who had steady positions at home asked to be relieved from duty. Their places were taken by men recruited in the strike zone, at least some of whom had been imported to serve as mine guards. At the Segundo Camp a man named Kennedy, a mine guard, appeared in the uniform of a National Guardsman within a week or two of the time the troops were sent into the district. Kennedy had been one of the mine guards who assisted in shooting up the Forbes Tent Colony with a machine gun October 17, and was known to some of the strikers. The practice of enlisting mine guards was general in the entire strike zone and had the sanction of General Chase. Captains Van Cise and Garwood both testified to the enlistment of the guards.

While good feeling continued at points where the militia companies contained few, if any, mine guards, in other localities arrival of the troops did not allay the fears of the strikers that their colonies were about to be attacked. Disquieting rumors were prevalent. There is testimony that a camp physician at Hastings had been overheard in a saloon, a few days after the arrival of the State troops, making the statement that a force of mine guards intended coming down the Canyon and cleaning up the tent colonies. There was no basis for such a report, but the recent fighting had left much bitterness and agitation. Violence did not entirely cease with the arrival of the troops. On November 8, ten days after the troops were ordered out, an employee from a nearby mine got into an altercation with the strikers at Walsenburg. He became alarmed and telephoned to the mine to send him assistance. An automobile with three guards in addition to the chauffeur was sent after him. On the return trip to the mine the automobile was ambushed by a force of armed strikers and the driver and two of the occupants were killed instantly. A fourth was so severely wounded he died a day or two later. On the same day a non-union miner was shot and killed by strikers at Aguilar.

In spite of occasional acts of violence the strike zone remained comparatively quiet so long as Governor Ammons' orders against the use of troops to escort imported strikebreakers remained in effect. The Governor's policy in this respect had been vigorously opposed by the operators, and immediately after the calling out of the troops they began a campaign to coerce the Governor into withdrawing his original orders and directing the troops to act as escorts for imported strikebreakers. Letters already quoted from Mr. Bowers, the highest executive official of the Colorado Fuel & Iron Co., to Mr. Rockefeller's office in New York, show the methods pursued by the large companies. On November 18, 1913, he wrote to Mr. Rockefeller:

> I have not sent you much published matter in regard to the strike during the last few days, as we have been having a season of comparative quiet in southern Colorado.
>
> You will be interested to know that we have been able to secure the co-operation of all the bankers of the city, who have had three or four interviews with our little cowboy Governor, agreeing to back the state and lend it all the funds necessary to maintain the militia and afford ample protection so that our miners could return to work, or give protection to men who are anxious to come up here from Texas, New Mexico and Kansas, together with some from states farther east. Besides the bankers, the Chamber of Commerce, the Real Estate Exchange, together with a great many of the best business men, have been urging the Governor to take steps to drive these vicious agitators out of the state. Another mighty power has been rounded up in behalf of the operators by the gathering together of fourteen of the editors of the most important newspapers in Denver, Pueblo, Trinidad, Wal-

senburg, Colorado Springs and other of the larger places in the state. They passed resolutions demanding that the Governor bring this strike to an end, as they found, upon most careful examination, that the real issue was the demand for recognition of the union, which they told the Governor would never be conceded by the operators as 90 per cent of the miners themselves were non-union men, and therefore that issue should be dropped.

Still the Governor hobnobs with Hayes, Lawson, McLennan and the rest of the gang, and either refuses or begs for more time to bring the strike to an end or to amply protect the operators in bringing in outsiders to take the places of those who have left the state and those engaged in these murderous assaults whom we refuse to take back under any circumstances. Yet we are making a little headway.

There probably has never been such pressure brought to bear upon any governor of this state by the strongest men in it as has been brought to bear upon Governor Ammons. We have published statements of the earnings of the miners, which the agitators disputed and the Governor expressed great doubt as to its accuracy. In order to force acknowledgment, we requested the bankers to recommend three expert accountants to examine our payrolls, books, etc., which they did yesterday. The Governor appointed these men and they are now in our office checking up and their report will be published.

While we are meeting with enormous losses we are making friends by the thousands in the state by giving to the public all of the data proving our splendid treatment of our men, not only in making it possible for them to earn more money than in any other bituminous coal section of the country, but showing the public what we have been doing in the way of improving the condition of our miners and their families. We have won the cordial support of the leading papers of the state and have won over several men who formerly supported labor unions and the agitators, so we get some comfort and a

> good deal of satisfaction in having our efforts recognized, covering the past five years, in the upbuilding of our company morally, commercially and financially, through the reports of the strong men connected with the business organizations, bankers and others, who have been given all the data and information desired—which has been an eye-opener to most of them.
>
> Personally the strain has been very great on Mr. Welborn, who has been the recognized leader among the operators. He has not spared himself day or night, and but for his vigorous makeup, would have been unable to stand up under the weight loaded upon him. I mention this so that you may know how valuable a man he is when placed in the most trying circumstances that any official has ever been called upon to encounter in dealing with labor unions whose leaders, in this state, cannot be regarded as anything less than assassins.
>
> Personally my hope is to be blessed with enough mental and physical strength to be able to stand four square until we win a righteous victory.

On December 22, 1913, he announces the success of the campaign in the following:

> If the governor had acted on September 23 as he has been forced to act during the past few weeks, the strike would have never existed ten days.
>
> We used every possible weapon to drive him into action, but he was glove-in-hand with the labor leaders and is today, but the big men of affairs have helped the operators in whipping the agitators, including the governor.
>
> Now these fellows are cursing him without regard for common decency, so everybody is giving him more or less taffy to keep him from backsliding. The enclosed is a sample of the resolutions being sent to him, besides any number of personal letters.
>
> By the number of miners we are getting in from the south and east, we will have all we can work in a week

> or so. Of course the coal trade is good for nothing after about February first, except the railroads and little money is made on their trade.
>
> I received a nice note from your father and in reply, stated that I was feeling much better, though I am having miserable trouble with indigestion yet, which upsets me all over, especially my sleep.
>
> I have never known such widespread approval by all classes of business men as we are getting in our fight for the "open shop."
>
> We are paying the 4 per cent dividends for the last half of the current year on the preferred stock.
>
> I thank you for your suggestion, to take a rest, but I have no expectation of taking even a day off before spring unless I play out entirely.
>
> Wishing you and yours a "happy holiday season," I remain.

In addition to these letters, light is thrown on the methods used by the operators to whip Governor Ammons into line by the testimony of Attorney General Farrar. General Farrar went to Governor Ammons and advised him that his order prohibiting the use of troops to escort strikebreakers could not be justified under the laws of the state, and that furthermore this order was having the effect of preventing the operation of the mines and was contributing to a coal shortage. In view of General Farrar's subsequent activities, and in the light of Mr. Bowers' letters just quoted, the question arises as to whether or not he was one of the "weapons" used by the operators to drive the Governor into line.

General Farrar's initiative in going to the Governor with the complaint regarding the legality of the militia's acts is hard to explain on any other basis. For he took no such interest in the later acts of the militia and its officers, when mine guards were enlisted, constitutional guarantees disregarded, and actual murder committed by its members. He testified before the Commission that the legality of the acts of the military commission was not investigated by him, and that he had not even read the testimony taken at the official investigation of the Ludlow massacre.

In their efforts to coerce the Governor, the operators were aided by a peculiar situation produced by the refusal of State Auditor Kenehan to issue certificates of indebtedness to pay the salaries and expenses of the State troops. Bankers in Denver, Ludlow and Colorado Springs had acceded to a request of the Governor that they advance money for the militia. There were constant threats that the money would not be paid and some bankers were afraid to honor the State certificates. Governor Ammons therefore found himself under some obligation to the large financial interests of the State. The refusal of the State Auditor to issue certificates of indebtedness was declared by the operators to have been actuated by Mr. Kenehan's sympathy for the strikers. He was a former union official. Auditor Kenehan insisted that his refusal was due to the fear that he might be held liable under his bond.

Governor Ammons himself testified that he rescinded his order to the militia, prohibiting the importation of strikebreakers, after all efforts to obtain a settlement had failed, following the conference of November 27, and that he knew he had strained a point in giving the original order, but believed it was justifiable in the effort to bring about a settlement. The change was effected by the issuance of general order No. 17 by General Chase from military headquarters in Trinidad on November 28. The effect of this order is described by Senator Patterson in his testimony at Denver as follows:

> From that time things went from bad to worse, crimination and recrimination, the operators insisting that all violence was committed by the miners and the miners insisting that there was ample provocation for whatever violence they resorted to. It seemed to me that the absolute management of the strike territory had been turned over to Adjutant General Chase. We heard daily of large numbers of men being arrested and put in jail; we

heard that men were arrested without charge on mere suspicion and were kept incommunicado; that they were refused the visits of friends, the right to consult with counsel or to do anything else in the way of taking charge of and looking after their own interest and welfare, such as is usually granted to the commonest of criminals. Mother Jones was arrested and put in jail and kept, as I understand it, absolutely incommunicado for several months. These men who were arrested merely on suspicion were kept, many of them, for weeks and weeks. All of that was done under a decision of the Supreme Court of the State that arose out of the Cripple Creek strike, called the Moyer case, the substance of which decision was that wherever the state troops were,—whether martial law had been proclaimed or not, but wherever they were for the purpose of restoring peace or preserving the peace, that there all civil law might be suspended at the will of the commanding officer and the military law take its place. This was a decision that, in my opinion, up to that time, had no precedent except in the Philippine Islands, and I think that was the only case directly in point that the court relied on. It was a decision against which every lawyer naturally rebelled and under which the will of the military officer in command of the troops in such localities was the law.

Things of that kind are no justification for violence, or for the destruction of property or the taking of human life, but there is a tremendous amount of provocation in things of that kind. Here are the men whose experience leads them to regard themselves as a class distinguished from the other class, the employers. They feel that they are the under-dogs in all of these industrial struggles; they feel that simply because they are engaged in these struggles—the part of the mass that goes out on a strike—because they may express their views about the strike in their particular locality, they are deprived of all their civil rights, that they may be arrested and are arrested and cast into jail without any charge being filed against them and without any opportunity for a hearing. I think that decision has done more to demoralize both the social and industrial elements in these great industrial disturbances—in Colorado—wherever these industrial disturbances have arisen,—than everything else combined, for I want to say that when you subject the citizens of a great community to the will of a mere soldier, who has had no training in civil government—who has been taught and realizes that the will of the soldier is the law of the community, that the rights of persons and the rights of property are all at his will, it is a mighty dangerous thing, and the soldier is next to an angel that does not abuse it, and grossly abuse it. I think it is a tremendously grave mistake in any Governor to turn over the government of any section of any of the states of this nation to a military officer, exercising his duties and powers as commander-in-chief not only to keep a strong hand on the military, but as well to rule the citizenry, and keep himself within the limits of the law.

While talking with Mr. Hawkins, attorney for the miners, I spoke to him about the violence that was going on down in the strike field, impressed as I was with the feeling that the violence could not be justified and was not warranted, although there might be provocation from the conduct of the military. He came back with this sort of argument, and I can understand how it is in the breast even of the foreign miners in this country; he said, "Patterson, you don't know how these men feel; they are arrested without charge, simply on suspicion, and they are cast into jail. Their fellows know how they are treated and they are conscious that they are guilty of no violation of the law, but simply exercising their right to strike He said, "It is mighty hard, and while I know this is no justification, I want to tell you there is provocation and the law recognizes the doctrine of provocation, because provocation mitigates the degree of crimes against persons," and I could not gainsay it.

I believe one of the first things that should be done in

> the state is for the Supreme Court to recall this decision. I have said that a hundred times, and I must continue to say so.

These abuses on the part of the militia resulted in the Colorado State Federation of Labor demanding an investigation following a special convention which opened December 16 and remained in session three days. The labor delegates called upon Governor Ammons to remedy the conditions complained of and he suggested that the convention appoint a special committee to make a complete investigation of the conduct of the militia and report to him.

The convention appointed a committee composed of John R. Lawson, James Kirwan, James H. Brewster, Eli M. Gross and Frank Miner. Four of the five members of the committee were union men. Mr. Brewster was a professor of law at the State University.

This committee began an investigation on December 23 after having received a letter from Governor Ammons directing General Chase to assist in every way to bring out the facts. This inquiry lasted some three weeks during which 163 witnesses were examined, at least one-third of whom were not connected with the union. The committee found that the charges made in the special labor convention were more than justified by the facts. The committee attributed most of the abuses complained of to a wrong conception of duty entertained by General Chase. The latter said that a "state of war" existed which he thought justified his disregard of the constitution in the matter of making arrests and the detention of prisoners without being given their day in court. In its report to Governor Ammons the committee said that the assumption of General Chase and some of his immediate advisers that they were soldiers engaged in war "accounts for most of the errors of the militia—errors which range all the way from pitiful, puerile blunders to the grossest atrocities." (Report of Committee, p. 6.)

Charges that the organized militia was assisting the mine operators were sustained by the findings of the committee. It said:

> Much, however, has been done and is daily being done by the militia to incite striking miners to fight. Some such things are done merely from a lack of ordinary common sense, but other things are being done seemingly for no other purpose than to cause trouble.
>
> The pretense that the leaders of the militia have been impartial is absurd. A villainous mine guard may walk the streets with his hand ready on his half-concealed gun in his coat pocket, and assault a union boy at noonday—as one guard did Sunday, January 4, at Walsenburg, while this committee was there—without interference from the militia, whereas a union man will be arrested and compelled by militiamen to work on a coal company ditch for two days for being drunk, when as a fact, drunkenness among the militia is more common than it is among strikers.
>
> The military authorities, while professing intense fairness, have allowed the coal operators to import strikebreakers in direct violation of the state law passed in 1911 forbidding the importation of laborers into this state by means of false representation or false advertisement.
>
> The militia have tried to persuade strikers to go back to work, in some instances threatening and abusing them at the same time; a major offers to release an arrested union man if he will work in the mine; mine guards have given orders to militiamen as to the arrest and release of strikers.

That the militia arrested strikers and held them for long periods without placing charges against them, also was found by the investigating committee. Some such cases mentioned in the report of the committee (pp. 11-12) are Gonzales, 53 days; King, 19 days; Zeni, 44 days; Thiros, 22 days; Titsworth, 12 days; Phillippi, 18 days; Zaginis, 14 days; Markas, 25 days; Barrego, 5 days.

Numerous instances were found by the committee where women and young girls were insulted by the militiamen:

> Unprotected women have been roused from sleep by militiamen attempting to enter their homes at night. Young girls have been grossly insulted by militiamen on the public street and their protesting fathers laughed at * * * Restaurant waitresses are so insulted by militiamen that they will not wait upon them.

Instances where militiamen had taken part in robberies and holdups were reported by the committee, which in its report to the Governor said of them:

> They range from a forced loan of twenty-five cents, or whiskey for the captain; or a compulsory gift of three dollars; or whiskey, gin, cigars and champagne; or a ton of coal, to the downright robbery of $300 and other considerable sums of money, with watches and other small pieces of property.

The committee recommended to Governor Ammons that General Chase be asked to resign or failing to do so that he be removed as unfitted by temperament and training for the position he occupied; that Major Boughton, Major Townsend and Lieutenant E. K. Linderfelt be suspended at once and discharged from the National Guard as soon as possible; that all mine guards and private detectives of the mining companies be discharged from the organized militia; that the militia be instructed to prevent workmen being taken to the mines in violation of the State law prohibiting deception and that the law and practice of electing company officers by members of the company be changed at the earliest possible moment.

As already pointed out, Professor Brewster was the only member of the committee not connected with organized labor, so the report may not have been entirely impartial, but, at least, some of the conclusions reached were substantiated by others.

There is no doubt that the character of the militiamen deteriorated as the strike progressed. In his testimony Captain Van Cise said that originally Company K, first infantry, was composed almost entirely of college men—college graduates. This company was stationed at Ludlow. On December 12, about six weeks after the troops took the field, Captain Van Cise testified that he had found out that five of his men had broken into a saloon at Raymondville and had robbed it of about $42 worth of liquor, cigars and cigarettes. The men were taken before a court martial, tried and convicted. Two were sentenced to serve terms in the county jail and the others were fined and returned to duty.

Captain Van Cise admitted that none of the men were Colorado men. Three of them were ex-regulars. One had been dishonorably discharged from the army and had served time in Leavenworth prison. Another had forged his discharge papers.

This statement by Captain Van Cise is significant in two respects. It proves that members of the organized militia committed burglary and also that the men were not citizens of the State of Colorado. Those were two of the principal charges brought against the National Guard by delegates to the special convention of the State Federation of Labor when the investigating committee was appointed.

In many instances where charges of looting had been made against the militia, investigation proved that they were groundless, or that there was no evidence to show the robberies had been committed by militiamen. But a number of instances in which members of the organized militia took part in robberies proved the low character of some of the men who had been enlisted after the troops took the field.

The Rev. James McDonald testified that the company at Aguilar was at first composed largely of "good Christian boys, attending church regularly and behaving themselves just splendidly," but before the troops left the field another element was introduced which did many things not creditable.

Mr. Brewster in his testimony told of a naturalized Italian named Grogatti, who told the labor investigating committee that his trunk had been rifled of $300. Mr. Brewster said that Colonel Lee told him he had investigated that matter and that the man had been robbed, but that he could not find who had committed the robbery.

Mother Jones, a general organizer for the United Mine Workers, more than eighty years of age, arrived in Trinidad from El Paso on the morning of January 4, 1914. On her arrival she was met by militiamen and a few hours later deported to Denver. She returned on January 12th, was again arrested and taken to San Rafael Hospital, where she was held incommunicado for nine weeks. She was then sent to Denver and there released. A few days later, in March, she boarded a sleeper for Trinidad. She was awakened at Walsenburg before daylight and taken off the train by militiamen. They took her to an insanitary and rat-infested cell in the basement of the jail. She was kept there for twenty-six days and was then released, just before the Supreme Court was expected to act on a writ of habeas corpus. Mother Jones and attorneys for the strikers charged that she was released in order to prevent an opportunity by the Supreme Court to pass on the Moyer decision, by which the military authorities justified her imprisonment. Governor Ammons justified the arrest and imprisonment of Mother Jones on the ground that her speeches incited violence. She had been given to understand at all times during her imprisonment that she would be released if she would promise to leave the district and remain away. Mother Jones refused to make such a promise, claiming a constitutional right to stay in Trinidad.

The chief legal adviser and aid of General Chase in the strike zone was Major Boughton, who became Judge Advocate of a Military Commission appointed by Chase to supervise all cases of arrest and imprisonment of strikers. Major Boughton, in his testimony before this Commission, defended the practice of arresting without a warrant and asserted that it would be a mere idle parade to send the militia into the field without the power of arrest. Mr. Horace N. Hawkins, attorney for the United Mine Workers, contended on the other hand that "it behooves the court to hold, just as did the courts in the days of Lincoln, that military power cannot imprison men without a charge where the courts are open and unobstructed in the transaction of business."

Strikers and union officials charge that many of the 172 prisoners whose cases were in the hands of the Military Commission were mistreated and even tortured by officers and enlisted men. A reputable officer of the National Guard told an agent of this Commission that a brother officer detailed to service on the Military Commission had intimated to him that third degree methods were used. When the officer in question was called to the stand by this Commission in Denver he denied any knowledge of such practices. That testimony by National Guard officers was colored by a feeling of loyalty toward brother officers was plainly indicated by the discrepancy between their public testimony and their statements to an agent of this Commission.

The economic dependence of the Colorado National Guard on the Colorado Fuel & Iron Co. and other operators has been fully established. President Welborn of the Colorado Fuel & Iron Co. testified that his company had paid militiamen from $75,000 to $80,000 on certificates of indebtedness bearing interest and collectable from the State. Troops were quartered in Company buildings and furnished with supplies by Company stores in return for these certificates.

During February and March a Congressional Committee held hearings at Trinidad and Denver. No serious disorder occurred during this period, but there were frequent petty clashes between strikers and militiamen and mutual bitterness and hatred grew ever more intense.

When the Congressional Committee left Colorado the strike zone was quiet and Governor Ammons decided that most of the troops could be safely withdrawn. The order accordingly was issued. It was decided to leave thirty-five men of Company "B" at Ludlow and Berwind Canyon, just above Ludlow Station. These men were nominally in command of

Major Hamrock, but the dominating officer was Lieutenant Linderfelt. Of Company "B" a committee of National Guard officers later said:

> From the beginning of the campaign this militia organization and the strikers in the Colony were in frequent petty conflicts with one another. They grew to dislike each other, to worry, harass and annoy one another. Both sides fed the flame of increasing enmity. They provoked each other on every possible occasion. Dislike grew into hatred and provocation into threats. From threats by each against the others' lives the strikers have come to fear and hate this "B" Company, and "B" Company has come to partake of the fear of the workmen and the hatred of the mine guards toward the Colonists.
>
> Upon the withdrawal of the troops from the field it was felt necessary to leave one unit at Ludlow between the largest colony of strikers on one side and the richest mines and the most populous camps on the other. Company "B" was selected for that service, because, albeit hated by the strikers, it was feared and respected by them.

Company "B", originally made up of clerks and business and professional men in Denver, had changed radically in character prior to the Ludlow tragedy. On April 20th it consisted of mine guards, professional soldiers and adventurers who had chosen to remain on strike duty when the rest of the State force had been withdrawn. Many were transferred to Company "B" as volunteers when the other troops left.

Lieutenant Linderfelt who was the actual, although not the nominal, commanding officer was the object of an intenser hatred from the strikers than any other man in the field. They had complained against him during the hearings of the Congressional Committee and there had been bad blood between him and Louis Tikas, leader of the Greek strikers in the Tent Colony. It will be remembered that he had entered the field prior to the calling out of the militia, and as deputy sheriff had been in charge of a machine gun, imported by the Baldwin-Felts Detective Agency and turned over by the Agency to the operators. Witnesses before the Congressional Committee clearly established the belief of the strikers that he was tactless, domineering and brutal. He was known among the inhabitants of the Ludlow Tent Colony as "Jesus Christ", because he is alleged to have told a striker's wife that he was Jesus Christ around there and must be obeyed. Linderfelt had an intense hatred for the strikers and especially for the Greeks and southern Europeans who predominated in the Tent Colony at Ludlow. In spite of all this he seems to have been considered a particularly valuable officer for the work that the State had in hand.

At about the same time that Company "B" was left in charge at Ludlow, officers of the National Guard and the mine owners cooperated in organizing a new troop of cavalry called Troop "A". It was sworn in during the week preceding April 20th and was placed in command of Captain Edwin Carson. Carson had been an enlisted man in the British Army, an acrobat performing in vaudeville, and an athletic instructor in the Denver Club. Although the legislative committee, quoted by General Chase in his testimony before this Commission, testified that only eleven mine guards were members of this troop, Captain Carson himself, in a conversation with the Commission's investigator, estimated the number of mine guards as "not more than thirty". "The others", said Carson, "were pit bosses, mine superintendents, mine clerks and the like." These men lived and worked in the mines near Trinidad and Ludlow, ready to respond to a call at any time. They were to be paid by the mine operators except when actually serving as State militia.

That Troop "A" was organized with the knowledge of the executive officials of the Colorado Fuel & Iron Co. is proved by the following extract from a letter written by Mr. Bowers to Mr. Rockefeller on April 18, 1914:

> Another favorable feature is the organization of a military company of one hundred volunteers at Trinidad

> the present week. They are to be armed by the State and drilled by military officials. Another squad is being organized at Walsenburg. These independent militiamen will be subject to orders of the sheriff of the county. As these volunteers will draw no pay from the State, this movement has the support of the Governor and other men in authority.

Thus, by April 20th the Colorado National Guard no longer offered even a pretense of fairness or impartiality, and its units in the field had degenerated into a force of professional gunmen and adventurers who were economically dependent on and subservient to the will of the coal operators. This force was dominated by an officer whose intense hatred for the strikers had been demonstrated, and who did not lack the courage and the belligerent spirit required to provoke hostilities. Although twelve hundred men, women and children remained at the Ludlow Tent Colony and Linderfelt's immediate force consisted of not more than thirty-five men, the militiamen were equipped with machine guns and high powered repeating rifles and could count on speedy reenforcement by the members of Troop "A", which numbered about one hundred. The Ludlow Colony had been repeatedly searched during the preceding weeks for arms and ammunition, and Major Boughton's testimony before this Commission indicates that Linderfelt believed the strikers to be unarmed.

Mrs. Helen Ring Robinson, a member of the Colorado State Senate and a distinguished citizen of the State, testified that while visiting the strike zone just before the Ludlow affair she heard reports and threats that the Ludlow Colony was to be wiped out. Similar testimony was given at the Coroner's inquest by Miss Susan Hollearin, postmistress and school teacher at Ludlow.

On April 20th militiamen destroyed the Ludlow Tent Colony, killing five men and one boy with rifle and machine gun fire and firing the tents with a torch.

Eleven children and two women of the colony who had taken refuge in a hole under one of the tents were burned to death or suffocated after the tents had been fired. During the firing of the tents, the militiamen became an uncontrolled mob and looted the tents of everything that appealed to their fancy or cupidity.

Hundreds of women and children were driven terror stricken into the hills or to shelter at near-by ranch houses. Others huddled for twelve hours in pits underneath their tents or in other places of shelter, while bullets from rifles and machine guns whistled overhead and kept them in constant terror.

The militiamen lost one man. He was shot through the neck early in the attack.

Three of the strikers killed at Ludlow were shot while under the guard of armed militiamen who had taken them prisoners. They included Louis Tikas, a leader of the Greek strikers, a man of high intelligence who had done his utmost that morning to maintain peace and prevent the attack and who had remained in or near the tent colony throughout the day to look after the women and children. Tikas was first seriously or mortally wounded by a blow on the head from the stock of a Springfield rifle in the hands of Lieutenant K. E. Linderfelt of the Colorado National Guard, and then shot three times in the back by militiamen and mine guards.

Accounts vary as to who fired the first shot on the morning of the tragedy, but it is established that the first offensive movement was the occupation of a hill near the tent colony by militiamen in full view of the strikers, the planting of a machine gun there, and the exploding of two dynamite bombs by the militia. These bombs had been made by Linderfelt to be used as signals to call the militia and mine guards from near-by mines and camps, but the strikers did not know their purpose. They streamed out of the colony, and about sixty who had rifles took up a position in a railroad cut. Many of the women and children ran from the colony in another direction and took shelter in ranch houses or the open hill country before the destruction began.

The investigating committee of national guard officers charged the strikers with deliberate intent to attack the militia and with starting the fight. Undoubtedly the excitable Greeks hastened the attack by seizing their rifles and streaming from the colony when they saw the militiamen advancing and planting a machine gun; but from the testimony of witnesses, the known attitude of the militia and from the events that followed, it is reasonable to suspect that the militia was not averse to seizing upon the slightest pretext to start their work of destruction.

Fifteen or twenty of the women and children who were caught in the tent colony when the firing began escaped during the morning to a pump house near the tents. There they hid in a deep well, while bullets whistled overhead. A ladder extended down the side of the well to a landing where the terror-stricken refugees remained huddled. At 7 o'clock in the evening, a freight train pulled into the station between the pump house and the soldiers, who were directing a heavy fire into the tent colony. The women and children took advantage of the shelter its steel coke cars afforded to climb from the well and make a dash for shelter in an arroyo. The conductor and brakeman of the freight train testified at the inquest that they saw about fifteen women and children, crying and whimpering, scurrying along a fence near the railroad track. The trainmen testified that twelve militiamen covered the engineer with revolvers and ordered him to pull his train out and do it "damn quick," or they would shoot him. The engineer obeyed, although he had orders to take a side track at Ludlow in order to let a passenger train pass.

After the women and children had escaped from the pump house, militiamen took possession of it and there captured Louis Tikas, leader of the Greek strikers. According to the testimony of women who remained in the tent colony, Tikas with James Fyler, Secretary Treasurer of the Union, remained in the colony all day looking after the many women and children who had been unable to escape. Affidavits from women survivors attached hereto agree that he busied himself in saving women and children from the flames after the tents were set on fire, and took refuge in the pump house only when it was too late to be of further service. Fyler was captured near the colony a few minutes after the capture of Tikas. He was shot to death a short time later.

Tikas was taken before Lieutenant Linderfelt. About Linderfelt at the time stood fifty or seventy-five militiamen, most of them members of Troop "A" and acting in their double capacity as militiamen and mine guards. Hot words ensued, and although Tikas was absolutely defenseless, Linderfelt grasped his Springfield rifle by the barrel and broke the stock over Tikas' head. Linderfelt then strode away, and a few moments later there was a fusillade of shots. R. J. McDonald, stenographer for the militia officers, testified at the inquest that Linderfelt did not look around when he heard the shots. Tikas was shot three times in the back. The doctors who testified at the inquest said that he had been literally "shot to pieces inside."

Dr. Ben Beshoar, one of the physicians who examined Tikas' body, testified at the inquest as follows:

> Q. And Louis Tikas came to his death by a gun shot wound?
>
> A. I am not sure whether or not it was a gun shot wound that caused his death.
>
> Q. Just tell why.
>
> A. Well, from the amount of blood on his clothes and on his head, I would say that he was struck a blow on the head before the gun shot wounds.
>
> Q. Could you judge from the blow, whether he was standing up or lying down when it was dealt?
>
> A. I would judge that he was lying down or falling forward.
>
> Q. Did all these bullets enter from the rear?
>
> A. Yes, sir, from the rear. The point of entrance was lower than the point of exit. There was no deflection of the bullets. They practically all went straight.

When questioned as to Tikas' death, Linderfelt dismissed the subject by saying that there had been bitter feeling between them for a long time. He said he did not know who shot Tikas. Linderfelt then volunteered a tribute to Tikas' coolness and judgment. Accounts agree that Tikas was highly intelligent, with an engaging personality and an unusual power of leadership which he exercised over the Greeks in the colony. Major P. J. Hamrock, in command of the militia at Ludlow, has testified that Tikas that morning tried in good faith to prevent trouble.

Fyler and an unknown striker were shot while disarmed and prisoners at the mercy of the militiamen. The unknown striker thus killed may have been John Bartoloti, whose wife and children were among the refugees who had earlier escaped from the well in the pump house. Mrs. Bartoloti in an affidavit says:

> I had six children in the well with me. My husband was killed there; he was coming to see me and take care of me and the children, and he was shot in the back. He was crying all day for me and the children.

The tents were set afire by militiamen on orders from their officers, according to apparently unbiased testimony. This is denied by the officers, who, however, admit that a fire which they say started accidentally was deliberately spread by their men. Coal oil was first poured on the canvas. As the tents burned, they were looted by a mob of militiamen who had lost all semblance of discipline. They took jewelry, clothing, bedding, tools, bicycles, and, according to several witnesses, money.

Scores of women and children who had been unable to make their escape under the rain of rifle and machine gun fire earlier in the day ran screaming from the burning tents or crawled from the cellars or holes beneath them. Many of these women were soon to become mothers. Mrs. Alcarita Pedregon took refuge with her children in the hole where eleven children and two women were suffocated by smoke. She testified that she saw a militiaman set fire to the tent. Mrs. Pedregon was compelled to remain in the hole while she saw two of her children and eleven others slowly die.

Many of the women and children were assisted out of the holes and saved from death in the flames by the officers who directed the firing of the tents. Captain Carson and Lieutenant Linderfelt are entitled to whatever credit is due for participation in the rescuing of all the women and children save thirteen, who perished of suffocation and burns in the hole where they had taken refuge from the rain of lead.

Among the families remaining in the colony was that of William Snyder. Snyder himself had stayed with his family. During the afternoon his son, Frank, aged 11, had been shot in the head and almost instantly killed as he sat in his father's tent.

Having burned and looted the tent colony and killed or driven off its inhabitants, the militiamen on the following day maintained a close watch in all directions and fired at all persons who showed themselves on the roads or nearby fields and hillsides. Many of the women and children had taken refuge at the ranch house of Frank Bayes and his family, three-quarters of a mile northeast of the colony. Bayes was agent for an oil company and a kindly, respected citizen of the community. He sheltered the terror-stricken women and children as best he could, but insisted that none of the men should remain in or about the ranch house, fearing their presence would attract the fire of the militia. On Tuesday morning, the militiamen started firing at the Bayes house and at least six bullets struck it. A mule near the house was shot through the hip, and a bullet passed just above the bed of two of Mr. Bayes' children. On Tuesday Mr. Bayes took his family and the refugees to safer quarters at a ranch house in the valley. He returned on Wednesday. Testifying at the coroner's inquest, he said:

> I found everything in the house topsy turvy. There was seventy-five barrels of water standing in the tank and they drained it. Took the plug out underneath, in order to do

away with the water. They went in the house and destroyed the furniture. They even stole a violin, and there was a bucket of 125 eggs on the table, and they were taken, and preserves scattered all over. There was some canceled Continental Oil Company checks, and $19.50 cash sales, and that was gone. These canceled checks were scattered all over the room. They left me a note on the back of one of the checks saying: "This is to be your pay for harboring the Union. Cut it out, or we will call again." (Signed) B. F. and C. N. G.

District Attorney. Colorado National Guard and Baldwin-Felts?

Mr. Bayes. That's the way I took it. I also found this soldier's button and this belt, and this cartridge.

Many pages could be filled with the stories of horror, hardship and bereavement told by survivors of the tent colony. Women crazed by fear and the loss of their children wandered about the hills all night, not knowing where to turn, and frantic with anxiety over the fate of their husbands and children. Others huddled in ditches, gulches and similar shelters, listening to the scream of bullets overhead. The colony had housed about 1,200 souls, of whom a great majority were women and children.

The assassination of Tikas and the death of thirteen women and children at Ludlow precipitated an armed and open rebellion against the authority of the State as represented by the militia. This rebellion constituted perhaps one of the nearest approaches to civil war and revolution ever known in this country in connection with an industrial conflict.

Strikers in the Trinidad and Walsenburg Districts of Southern Colorado, and in the Canyon City and Louisville Districts, armed themselves and swarmed over the hills, bent on avenging the death of their Ludlow comrades.

Two days after the Ludlow tragedy, on Wednesday, April 22, the responsible leaders of organized labor in Colorado telegraphed to President Wilson, notifying him that they had sent an appeal to every labor organization in Colorado urging them to gather arms and ammunition and organize themselves into companies.

The call to arms and the telegram to the President were signed by John R. Lawson, ranking official of the United Mine Workers of America in the district and a member of its executive board; and John McLennan, President of the State Federation of Labor.

In Denver the union headquarters and attorneys were besieged by union men having no connection with the Mine Workers who offered to arm themselves and form companies.

At Trinidad the Mayor left the city, and arms and ammunition were distributed to the strikers without concealment at the union headquarters. A military camp of strikers was established on a mesa near the town, and the union officials assumed responsibility for maintaining order in the town.

At Ludlow the militiamen who had participated in the destruction of the tent colony were surrounded by armed strikers, and remained there helpless to participate in the fighting that followed.

By Wednesday, April 22, two days after the Ludlow killings, armed and enraged strikers were in possession of the field from Rouse, twelve miles south of Walsenburg, to Hastings and Delagua, southwest of Ludlow. Within this territory of eighteen miles north and south by four or five miles east and west were situated many mines manned by superintendents, foremen, mine guards and strikebreakers. Inflamed by what they considered the wanton slaughter of their women, children and comrades, the miners attacked mine after mine, driving off or killing the guards and setting fire to the buildings. At the Empire mine of the Southwestern Fuel Company near Aguilar the President of the company, J. W. Siple, with twenty men and eight women and children, took refuge in the mine stope after the shaft house and buildings had been burned and dynamited. The strikers besieged them for two days, Siple having declined to surrender on promise of safe conduct. The party was rescued on the arrival of fresh militiamen from Denver under Adjutant General Chase on Friday afternoon.

Mine buildings were burned by the strikers at the Southwestern, Hastings, Delagua, Empire, Green Canyon, Royal and Broadhead mines.

On Thursday, 362 national guardsmen answered General Chase's call and left Denver for the strike zone. Up to this time the only state troops in the field consisted of Troop "A" of Trinidad and Segundo and Company "B" of Denver, mounted, which had been left at Ludlow when the other companies were withdrawn. Both Troop "A" and Company "B" had remained at Ludlow, surrounded by strikers, since the destruction of the tent colony.

By Friday General Chase had 650 State troops in the field. They made no attempt to go further south toward Trinidad than Ludlow, but occupied the district between Walsenburg and Ludlow along the railroad.

On Saturday strikers attacked the Chandler mine near Canyon City, on the other side of a range of foot hills and many miles from any point where disorder had previously occurred. The mine was captured Sunday afternoon and some of the buildings were burned.

On Monday night strikers attacked the Hecla mine at Louisville, northwest of Denver, and about 250 miles north of Trinidad. They also surrounded the Vulcan mine at Lafayette, a camp near Louisville in the northern field.

Fighting in the southern field had been stopped on Friday as the result of a truce arranged by Horace N. Hawkins of Denver, attorney for the Mine Workers, and the State authorities. After the attacks at Canon City and Louisville, General Chase was quoted as declaring that the truce had been violated and no longer existed. This was the signal for fresh outbreaks in the southern field. On Monday, April 27, strikers attacked the McNally mine of the Colorado Fuel and Iron Company near Walsenburg. Miss Maggie Gregory, a cousin of the Superintendent, was hit in the arm by a bullet a she was escaping in a buggy toward Walsenburg. Militiamen who had arrived from Denver on the previous Friday engaged the strikers, and fighting continued for forty-eight hours over a wide area. On Wednesday Major P. P. Lester, of Walsenburg, company surgeon at the mines and surgeon for the National Guard, was killed by a bullet from the strikers' lines. His fellow guardsmen declared that Major Lester wore a red cross badge and was bandaging the wound of a militiaman when he was shot. District Attorney Hendricks of Las Animas and Huerfano Counties told the Commission's investigator that he had gone to Walsenburg and had investigated Major Lester's death, and that it was his belief that the surgeon was participating in the battle as a combatant. The fighting at Walsenburg ended in the calling of a second truce which was arranged at Denver between union officials and attorneys and State officials.

On Wednesday morning, or late in the preceding night, a party of about 200 armed strikers left the strikers' military colony near Trinidad and marched over the hills to Forbes, a mining camp which lies at the bottom of a canyon surrounded by steep hills. Most of the party were Greeks. Earlier in the strike, before the visit of the Congressional Committee, the strikers' tent colony at Forbes, situated on ground leased by them, had been twice destroyed by militiamen and mine guards, and on one occasion it had been swept by machine gun fire and a striker killed and a boy had been shot nine times through the legs. Bent on revenge for this earlier attack and for the killings at Ludlow, the strikers took up positions on the hills surrounding the mine buildings, and at daybreak poured a deadly fire into the camp. Nine mine guards and strikebreakers were shot to death and one striker was killed. The strikers fired the mine buildings, including a barn in which were thirty mules, and then withdrew to their camp near Trinidad.

Twenty-four hours later the federal troops arrived and all fighting ceased.

During the ten days of fighting at least fifty persons had lost their lives, including the twenty-one killed at Ludlow.

From 700 to 1,000 armed strikers had been in absolute control of large areas of territory, and had waged open warfare against mine guards, militia and mine employees. Responsible union officials planned the movements of their men, set about collecting and distributing arms and ammunition, and openly justified their acts. Each side reported its casualties after each skirmish and made claims as to the number of men killed and wounded on the opposing side. Newspapers, friendly to one side or the other, charged with apparent satisfaction that the losses of the other side had been greater than were admitted.

In Denver every newspaper in the city denounced the militia for what was termed "the Ludlow massacre", and the reports of every newspaper showed varying degrees of sympathy with the strikers. Former United States Senator Patterson had declared at a meeting of the Chamber of Commerce in Denver on Friday, April 24, that he believed nine out of ten women in the city believed the Ludlow affair to have been a deliberate slaughter of women and children by the national guards. Senator Patterson also said:

> It has been brought home to me in many ways that the State and Denver stand on the brink of a volcano. The chasm is not only wide, but it is widening. Denver is divided into two hostile camps, arising out of the tragedies in the State the past week, and no one can tell, unless wisdom and moderation control both sides, what the outcome may be.

Horace N. Hawkins, of Denver, Attorney for the United Mine Workers, told the Commission's investigator that trade union members and officials had called him on the telephone offering to raise an army of 10,000 volunteers. Mr. Hawkins used his utmost endeavor to arrange a truce as soon as the strikers began their reprisals, and was severely criticised by some of the union men because he succeeded in bringing about a temporary cessation of hostilities.

It seems of vast importance that it should be understood how nearly the situation in Colorado approached a condition of absolute prostration of government and of actual revolution. This is apparent not so much in the record of battles and skirmishes fought and lives lost, as in the evidences given above of the state of public feeling. It was apparent in the frankness with which strike leaders admitted that they were gathering and distributing arms, in the open admissions made by many strikers that they or others whom they named had taken part in one or other of the various attacks, and in the refusal of the District Attorney of Las Animas County to take official notice of the killings which followed Ludlow, that the rules of "civilized warfare" formed the only criterion for public criticism of acts on either side during this period.

Enlightened public sentiment existing in Denver and other Colorado communities found itself helpless of effective expression. That expression, of course, should have come through the State. This leads to the direct causes of the failure of government and of all the horrors that resulted from it. Their consideration is vitally important because there is no guarantee that the same cause may not operate again in Colorado or other States, and that some day they may produce a situation far more serious even than that under discussion.

The State of Colorado through its military arm was rendered helpless to maintain law and order because that military arm had acted, not as an agent of the commonwealth, but as an agent of one of the parties in interest, as an agent, that is, of the coal operators, as against the strikers.

Lieutenant Linderfelt and others who participated in the Ludlow massacre were tried by a courtmartial of their brother officers of the Colorado National Guard. Linderfelt was found guilty of striking the late Louis Tikas with the stock of his Springfield rifle, this being the blow that one of the doctors who testified at the inquest said might have caused death, even if Tikas' body had not been riddled with bullets by men in Linderfelt's command. The courtmartial assessed as punishment a trifling demotion in rank.

The Declaration of Independence named among the acts of King George justifying rebellion the following:

> "For quartering large bodies of armed troops among us.
>
> "For protecting them, by a mock trial, from punishment for any murders which they should do on the inhabitants of these states."

Only those who hope and pray for bloody revolution can contemplate the record of the Colorado National Guard and fail to see the need of measures that will make this branch of the government as representative of the people and as subservient to the people's will as other governmental agencies. Today there is ample evidence in Colorado in support of the claims of radical agitators that the national guard is an instrument of suppression maintained for the purpose of intimidating and crushing workmen who go on strike in an effort to improve the conditions of life for themselves, their women and their children, and to secure for themselves a larger measure of freedom from arbitrary power.

CHAPTER V.

THE ULTIMATE RESPONSIBILITY.

At certain times during the strike, the operators in their public utterances took great pains to point out that a large number of mining companies joined in every step taken by the operators' committee, and that the policies of the owners were not those of the Rockefeller Company, or even of the three largest companies, but of a large number of mine owners all of whom had arrived independently at the same conclusion regarding the proper course to pursue.

It is important to examine this claim with a view to deciding whether the policies of the operators grew out of conditions peculiar to Colorado or were influenced and controlled by the dominant will and interest of a group whose activities are nation-wide and typical of corporation controlled industries.

The evidence shows that the Colorado Fuel & Iron Company played a master hand in determining the policy of the operators, and in maintaining that policy after it was announced. This Company mined from thirty-five to forty per cent of the coal produced in Colorado and employed nearly three times as many miners as the second largest company. For more than ten years its largest stockholder had been John D. Rockefeller, and since 1907 a personal representative of Mr. Rockefeller had been in active charge of its management as chairman of the board of directors, vice-president and treasurer. This official was Mr. L. M. Bowers, a man sixty-nine years of age, who had been employed by Mr. Rockefeller to manage various industries for twenty years, and whose deep seated opposition and animosity to labor unions and the practice of collective bargaining must have been well known to his employer when he was sent to Colorado to represent the Rockefeller interest.

From first to last Mr. Bowers, as shown by his letters to Mr. Rockefeller's office, saw nothing in the struggle of the miners for the right to organize for collective bargaining except a plot by "socialists," "anarchists," and "political demagogues" to wrest the control of the mines from their owners. His letters to Mr. Rockefeller, Jr., early in the strike show him to have been bitter and prejudiced in the extreme, with an adherence to the individualistic economic doctrines of a century ago that was almost grotesque in its intensity.

Back of Mr. Bowers and President Welborn in determining and maintaining the operators' policies stood John D. Rockefeller, Jr., whose enthusiastic approval and indorsement of these policies gave incalculable moral and material support both to his own subordinates and to the executive officials of other companies. Mr. Rockefeller's indorsement and approval was accorded promptly at the beginning of the strike in the form of personal letters to Mr. Bowers, which were shown not only to the executive officers of the Company but to the heads of other companies as well. It is greatly to be doubted if the Colorado operators could have maintained their unyielding and defiant attitude of opposition to the enlightened public opinion of the entire nation had they not been bulwarked by the material and moral power wielded by the possessor of the hugest private fortune in the world.

Mr. Rockefeller's power to direct the policies of his own company is admitted and needs no discussion. But it is alleged that the Colorado Fuel & Iron Company was but one of many, and by itself unable to control the situation.

Examination of the evidence shows that Mr. Rockefeller and his agents admitted the company's leadership in the counsels of the operators during the first seven months of the strike.

It was not until the horror of the Ludlow massacre had shocked and outraged the nation and brought upon its perpetrators the wrath and loathing of every decent citizen that Mr. Rockefeller, for the first time, makes the point that his company was but one of many, and that Mr. Bowers in Denver, his supreme self-complacency staggered for the minute, writes his employer:

"We have been given altogether too prominent a place in this trouble."

Mr. Bowers used this phrase five days after the Ludlow massacre. The same sudden desire to minimize his part in the affair, apparently animated Mr. Rockefeller in New York at about the same time. Telegraphing to Mr. Bowers on April 26, while the tide of the nation's anger still rose about him, Mr. Rockefeller asked:

> How many coal companies are involved in the strike? what proportion of their normal total output does your company represent? Answer ten West Fifty-fourth street.

Contrast Mr. Bowers' modesty after Ludlow with his early boastfulness. On November 18 he wrote Mr. Rockefeller:

> Personally the strain has been very great on Mr. Welborn, who has been the recognized leader among the operators.

And on April 7, 1914, only thirteen days before Ludlow, the conspicuous part played by Mr. Rockefeller as the dominant figure in the strike situation had filled Mr. Bowers with "boundless delight." He expressed it in the following letter:

> Binghamton, N.-Y., April 7, 1914.
>
> DEAR MR. ROCKEFELLER:
>
> You have rendered a service for the entire country in your testimony before the Congressional Committee, that cannot be over estimated for its value just at this period in our industrial history: As the writer anticipated, these biased political wire pullers utterly failed in their attempt to trip you and every word you said simply brought out clearer and clearer your genuine American loyalty to stand against all comers, to protect every man who seeks employment in the enterprise in which you have a commanding interest in the enjoyment under the stars and stripes, of life, liberty and the pursuit of happiness.
>
> I believe the hours you gave to the committee and the position you so ruggedly maintained against the assaults of Dr. Foster, will do more for the cause of the millions

of laboring men, than all the efforts of social reformers in as many years.

It will set thousands of faltering employers to thinking and inspire confidence and spur them to activity in opposing the schemes of political, social and religious demagogues, who are in the clutches of the labor union leaders, whose aim is to shut the open shops.

I cannot put into words my satisfaction, I will say boundless delight with your magnificent and unshaken stand for principle, whatever the cost may be. Now for an aggressive warfare to 1916 and beyond for the open shop.

Sincerely yours,

L. M. Bowers.

One week before the strike began Mr. Rockefeller's personal attorney in New York, Mr. Starr J. Murphy, was told by Mr. Ethelbert Stewart, a mediator from the United States Department of Labor, that "he was also informed that the other operators in Colorado had decided to follow the lead of the Colorado Fuel & Iron Co." Reporting this conversation to Mr. Bowers, Mr. Murphy enters no denial or comment, and in a long reply, in which he comments on Mr. Stewart's visit, Mr. Bowers does not refute Mr. Stewart's statement, although he discusses the situation in Colorado at length.

Reference must be made to the copies of letters between Mr. Rockefeller and executive officials of the company, which accompany this report, for a full understanding of the extent of Mr. Rockefeller's information and responsibility as to the progress of the strike and the methods used to break it. While Mr. Rockefeller may have fully believed that conditions in the Colorado mines had been greatly improved since Mr. Bowers was sent there, and were as good or better than conditions prevailing in other fields, even a cursory reading of Mr. Bowers' letter should have revealed to his employer that here was a man temperamentally and intellectually incapable of dealing wisely and fairly with a strike involving the vital rights and interests of thousands of employees and their families, and seriously menacing the peace and well being of a state. Mr. Bowers' letters alone should have been sufficient to convince Mr. Rockefeller that the writer was irritable, arbitrary and obstinate to an exceptional degree; that he was a survival of the dark age of theory and practice regarding industrial relations; that he was ignorant of the character and records of the men whom he opposed, and that finally his attitude toward the government of the state and nation was contemptuous and defiant.

Nor could Mr. Rockefeller be acquitted even had Mr. Bowers concealed these qualities in his correspondence with 26 Broadway. From the day, seven days before the strike began, when he avoided an interview sought by a mediator of the federal government, Mr. Rockefeller refused to enter upon any independent investigation in order to determine for himself the true situation in Colorado, before he threw all the enormous power of his personal support behind the men who had set themselves to the task of crushing the revolt of 8,000 miners. Yet the men whose unsupported word he accepted were almost strangers to him. They were men who could not have admitted the grievances complained of without admitting themselves guilty of crimes against society. But their denial was all that Mr. Rockefeller required before projecting himself into the situation as a decisive factor.

During all the seven tragic and bitter months that preceded Ludlow, Mr. Rockefeller wrote letter after letter in enthusiastic praise of men whose acts during this period had precipitated a reign of terror and bloodshed. It was only when the Ludlow massacre filled the press of the nation with editorial denunciation, when mourners in black silently paraded in front of his New York office, when cartoons in the conservative press pilloried him and his father before an angry public, that at last complacency gives way to concern in his letters and telegrams to Denver. Stung to self-defense, he issued a statement in New York pointing out that his company had voluntarily granted improvements and concessions demanded by the strikers. Witness the surprise of 26 Broadway when a writer in the New York Evening Post pointed out that all of these concessions except one had been required by laws of Colorado for years:

May 7, 1914.

Dear Mr. Bowers:

In the statement which Mr. John D. Rockefeller, Jr., gave out to the press, he said that the eight-hour day, semi-monthly pay, right to use check-weighmen, freedom to deal at the company stores or not, and the increase of wages, were all made by the company voluntarily. The statement is now made by some of his critics that all these points, except the increase in wages, were covered by law, and that the company did not make the concessions until statutes were passed requiring them. He asks me, on his behalf, to find out what are the facts in this connection, and would be obliged if you could inform us when the statutes went into effect, and when the various matters above mentioned were granted to our workmen, and what, if any, are the relations between the granting of them and the statutes.

Sincerely yours,

Starr J. Murphy.

From the inception of the strike, the most conspicuous and most frequently reiterated allegation of the strikers was that their demands were already requirements of the Colorado statutes. Yet to Mr. Rockefeller, seven months later, this comes as a surprise, when pointed out by a writer to The Post. Nothing could better show the depth of his indifference as to the merits of the controversy, in contrast with his keen interest in and support of efforts to defeat the strike.

That Mr. Rockefeller's support of his Colorado officials became a factor of tremendous importance, if not a decisive factor, in preventing a peaceful settlement is made clear by a study of the testimony and correspondence.

On May 13, 1913, Mr. Bowers wrote to Mr. Rockefeller's secretary: "It is well known that the Rockefeller interests are managing the affairs of the Colorado Fuel & Iron Co." Business men, ministers, college professors, editors, and the general public knew that Mr. Bowers and Mr. Welborn represented the greatest financial interest in the world. They represented this interest in a comparatively new state, where dependence on 'eastern capital' and the habit of sedulously cultivating the friendship of eastern investors still held. They represented the world's greatest investor in a community of small business men newly-arrived in the charmed circle of wealth and power and acutely sensitive to the glamor that surrounds the world's financially powerful. In the business community of Denver Mr. Rockefeller's agents had a prestige comparable to that of those strong men of Rome sent out from the world's capital to carry its grandeur into distant provinces. Three newspaper publishers, preachers of the gospel, obscure officers of the militia, looked to Mr. Rockefeller, a stranger in distant New York, for succor in their financial distress. When the United States government, warned of the discontent and the impending revolt in the coal fields, moved to prevent a disastrous strike, it was to Mr. Rockefeller's office in New York that this government sent its mediator. It was to Mr. Rockefeller that a Cabinet Officer appealed early in the strike, and Mr. Rockefeller's answer then, in contrast with his attitude after Ludlow, carried no denial or repudiation of his supreme authority and power.

There are herewith submitted extracts from the correspondence between Messrs. Bowers and Welborn in Denver and Mr. Rockefeller, or members of his personal staff, at 26 Broadway, all bearing on the question of Mr. Rockefeller's responsibility. Mr. Rockefeller's first indorsement came after he had been fully informed regarding the imminence of the strike and of the intention of his subordinates in Denver to resist the men's demands to the utmost.

> Bowers to Rockefeller, Sept. 29, 1913: * * * He was told that we would work such mines as we could protect and close the others, and that the writer with every official of this company would stand by this declaration until our bones were bleached as white as chalk in these Rocky Mountains.

Rockefeller to Bowers, Oct. 6, 1913: I have your letter of Sept. 29. * * * We feel that what you have done is right and fair and that the position which you have taken in regard to the unionizing of the mines is in the interest of the employes of the Company. Whatever the outcome may be, we will stand by you to the end.

Rockefeller to Bowers, Oct. 10: I have your letter of Oct. 3 and note with interest the progress of the strike. I realize that these are trying days for the management of the Fuel Company. Its actions are watched with great interest by this office, and its strong and just position will not lack backing at this end.

Bowers to Rockefeller, Oct. 11, 1913: I am in receipt of your favor of the 6th, and I want to express the appreciation of Mr. Welborn and myself, together with that of several coal operators who have seen your letter, for the stand you have taken in supporting us in fighting this unjust, uncalled for and iniquitous strike, called by the officials of what is supposed to be a very important union. * * * When this Government places in the Cabinet men like Commissioner of Labor Wilson, who was for many years secretary of the United Mine Workers of America, which has been one of the unions that permitted more disorder and bloodshed than any class of labor organizations in this country, we are not skating upon thin ice, but we are on top of a volcano. When such men as these, together with the cheap college professors and still cheaper writers in muck-raking magazines, supplemented by a lot of milk-and-water preachers with little or no religion and less common sense, are permitted to assault the business men who have built up the great industries and have done more to make this country what it is than all other agencies combined, it is time that vigorous measures are taken to put a stop to these vicious teachings which are being sown broadcast throughout the country.

Rockefeller to Bowers, Nov. 13, 1913: I am interested to keep in touch with the situation and hope the worst is over.

Bowers to Rockefeller, Nov. 18, 1913: You will be interested to know that we have been able to secure the cooperation of all the bankers of the city, who have had three or four conferences with our little cowboy Governor, agreeing to back the state and lend it all the funds necessary to maintain the militia and afford ample protection. * * * There probably has never been such pressure brought to bear upon any governor of this state by the strongest men in it. * * * Personally the strain has been very great on Mr. Welborn, who has been the recognized leader among the operators.

Rockefeller in telegram to Secretary of Labor Wilson, Nov. 21, 1913: The action of our officers in refusing to meet the strike leaders is quite as much in the interest of our employes as of any other element in the company. Their position meets with our cordial approval and we shall support them to the end.

Bowers to Rockefeller, Nov. 22, 1913: We are in receipt of your telegram of last night, giving telegraphic correspondence between Secretary of Labor Wilson and yourself. Your telegram has been shown to all the members of the executive board, in whose behalf I want to express appreciation for your splendid support, and for the reply you made to Secretary Wilson. Numerous conferences are being held day and night, and it is the opinion of the coal operators generally, that the officials representing the United Mine Workers of America are still hunting for a hole, however insignificant, through which they can crawl without disgracing themselves before the membership in their failure to make the coal miners' strike general and cause a complete tie up.

Rockefeller to Bowers, Nov. 24, 1913: You and Mr. Welborn are frequently in our minds, and we have none but words of the highest commendation for the energetic, fair and firm way in which you have handled this very trying matter. * * * We are with you to the end.

Bowers to Rockefeller, Nov. 28, 1913: I am in receipt of your favor of November 24th, which has been read to all of our executive officers, and I can scarcely express our appreciation of the support you are giving us. * * * We are satisfied, all of us, that since the receipt of our letters by President Wilson, and your reply to Secretary Wilson's telegram, the latter has been prompted to labor for any sort of a compromise, to which we shall never consent.

Murphy to Bowers, Dec. 1, 1913: Mr. Rockefeller asked me * * * to say that he fully approves of the position you have taken in the correspondence with the President and the handling of the matter in general. We think you and Mr. Welborn are treating the matter in a very wise and firm way. * * * I think your position in refusing to submit to arbitration under the conditions is unassailable.

Bowers to Murphy, Dec. 6, 1913: On the surface the President's suggestion looks plausible, but we are too well advised to believe that it would be possible to secure an impartial committee named by him. He knows perfectly well that there was not an atom of difference between the company and the miners, but, on the contrary, entire satisfaction. * * * Mr. Welborn, who with the other two representatives of the operators, now believe that behind the soft voice of Secretary Wilson is the hand of Esau; that he is a cunning schemer and has tried, during his stay here, to trap the operators into some corner, that the labor leaders can claim that they have won recognition of the union through him.

Rockefeller to Bowers, Dec. 8, 1913: You are fighting a good fight, which is not only in the interests of your own company, but of the other companies of Colorado and of the business interests of the entire country and of the laboring classes quite as much.

Bowers to Rockefeller, Dec. 22, 1913: I received a nice note from your father. * * * I have never known such widespread approval by all classes of business men as we are getting in our fight for the "open shop." We are paying the 4% dividends for the last half of the current year on the preferred stock.

Rockefeller to Bowers, Dec. 26, 1915: I know that Father has followed the events of the past few months in connection with the Fuel Company with unusual interest and satisfaction.

Bowers to Rockefeller, Dec. 30, 1913: I am enclosing herein letter No. 3 from President Wilson, and my reply. His Excellency had an excellent opportunity to end this correspondence upon receipt of my second letter, but unwisely, we all think, he allowed himself to write another one, which if from a less dignified statesman would be regarded as a bluff. * * * We are confidentially advised that President Wilson's recommendation for a Congressional investigation will be no more effective. Anyhow, he can meditate over his decidedly weak reply to my second letter and take such action as he sees fit. * * * I am more than pleased to receive this third letter, which no shrewd business man would have allowed himself to have written,. in my opinion.

Bowers to Rockefeller, Jan. 8, 1914: The Federal Court, after two days' trial on the part of the Government, dismissed the case against us on the grounds of no cause of action, before we had opened our defense. This case was * * * to recover 160 acres of coal lands, valued, as they stated, at $1,000 an acre. This is the last case of the Government against the company, unless the herd of government politicians run out of a job and browse around to find something else over which to annoy us.

Rockefeller to Bowers, Jan. 8, 1914: It is most regrettable that these armed trouble-makers are still remaining in the labor camps, and we can only hope that the state government will take such action as will compel them to leave the country at an early date.

Bowers to Rockefeller, April 25, 1914: The Colorado Fuel & Iron Company usually leads in fixing prices and conditions, which the larger companies usually agree to, and the smaller concerns also, if it is for their interest, but no dependence can be placed upon their adherence to any working plan for any length of time.

Bowers to Rockefeller, April 7, 1914: You have rendered a service for the entire country in your testimony before the Congressional Committee, that cannot be over estimated for its value just at this period in our industrial history: As the writer anticipated, these biased political wire pullers utterly failed in their attempt to trip you and every word you said simply brought out clearer and clearer your genuine American loyalty to stand against all comers, to protect every man who seeks employment in the enterprise in which you have a commanding interest in the enjoyment under the stars and stripes, of life, liberty and the pursuit of happiness.

I believe the hours you gave to the committee and the position you so ruggedly maintained against the assaults of Dr. Foster, will do more for the cause of the millions of laboring men, than all the efforts of social reformers in as many years.

It will set thousands of faltering employers to thinking and inspire confidence and spur them to activity in opposing the schemes of political, social and religious demagogues, who are in the clutches of the labor union leaders, whose aim is to shut the open shops.

I cannot put into words my satisfaction, I will say boundless delight with your magnificent and unshaken stand for principle, whatever the cost may be. Now for an aggressive warfare to 1916 and beyond for the open shop.

Bowers to Rockefeller, April 25, 1914: I have received a large number of letters, telephone calls and personal visits from prominent men in all lines of business and professions complimenting you on your testimony before the Congressional Committee.

> Rockefeller to Welborn, July 21, 1914: You are frequently in our thoughts and always with warm and high regards.
>
> Welborn to Rockefeller, July 27, 1914: I appreciate very much your expressions concerning my personal welfare. My health has never been better than during the past year, and I am hardly conscious of any strain. The knowledge that we have your confidence and support makes everything else easy.

But Mr. Rockefeller's part in the Colorado conflict was not confined to these letters of praise and indorsement which so heartened and sustained the Colorado operators. Prior to the massacre at Ludlow on April 20, the letters proved quite sufficient for Mr. Rockefeller's purpose. But the storm of popular wrath that rose after Ludlow demanded more active participation. It was then that Mr. Rockefeller initiated the nation-wide publicity campaign by which he hoped to convince the country that the strikers, and not his company's mine-guard-militiamen, were responsible for the deaths of thirteen women and children who perished at Ludlow, and that the strike itself, instead of a struggle for freedom, was a revolt by bloodthirsty and anarchistic foreigners, led by men who obtained huge incomes from organized agitation and lawlessness. Still hiding behind his executive officials in Denver, Mr. Rockefeller employed a publicity expert and advanced him money from his personal funds to begin the campaign. He chose for the purpose Mr. Ivy L. Lee, publicity agent for the Pennsylvania railroad. The President of that railroad consented that Mr. Lee should devote a part of his time to Mr. Rockefeller's service, and the pamphlets and bulletins were to be dispatched in bulk from Mr. Lee's Philadelphia office to Denver, for distribution from the office of the Colorado Fuel & Iron Company. They were to go forth under the name of the operators' committee, as correct information gathered and written on the scene by men familiar at first hand with the facts.

Early in the summer of 1914 there began that remarkable publicity campaign by which Mr. Rockefeller flooded the nation with bulletin after bulletin, defending the coal operators and denouncing the strikers and their leaders. These bulletins contained false and deceptive statements. Salaries paid to officials of the United Mine Workers in Colorado for the year ending November, 1913, were conspicuously displayed as salaries for the nine weeks ending in that month. This gross and palpable slander was mailed to thousands of congressmen, editors, ministers of the gospel, school teachers, public officials, business and professional men whose names appear on Mr. Lee's carefully prepared mailing lists. No correction was made until it had been exposed by the Commission during the hearing in Denver in December, 1914.

The preparation and distribution of these bulletins was carried on with the greatest secrecy as to the authorship of Mr. Lee and as to his employment by Mr. Rockefeller. When the Commission demanded the name of the writer of the bulletins of Mr. Welborn, during the hearing in December, Mr. Welborn refused to answer until he had consulted his attorney. Even then he carefully refrained from revealing the fact that the publicity campaign had been initiated and paid for by Mr. Rockefeller.

Mr. Rockefeller not only directed Mr. Lee's publicity campaign, but he sent Mr. Lee to Denver to aid President Welborn in preparing his letter rejecting the President's peace plan.

Mr. Rockefeller's responsibility has a significance beyond even the sinister results of his policy in Colorado. The perversion of and contempt for government, the disregard of public welfare, and the defiance of public opinion during the Colorado strike must be considered as only one manifestation of the autocratic and anti-social spirit of a man whose enormous wealth gives him infinite opportunity to act in similar fashion in broader fields. Mr. Rockefeller writes to Mr. Bowers: "You are fighting a good fight, which is not only in the interests of your own company, but of the other companies of Colorado and of the business interests of the entire country." And Mr. Bowers, with whom Mr. Rockefeller obviously is in full sympathy and agreement, writes letter after letter picturing the growth of trade unionism as a national menace against which the business men of the nation must combine. "Now for the campaign of 1916" and beyond, is the slogan with which one of these letters closes, and Mr. Bowers is unsparing in criticism of a President who would tolerate a former official of a labor union in his Cabinet. The nation-wide significance and importance of the Colorado conflict and the company's ruthless policy of suppression are emphasized again and again. By June, 1914, Mr. Rockefeller had formulated something like a definite plan for a nation-wide campaign. The most highly paid publicity expert in the country had been borrowed from a great eastern railway, to be taken over later as a permanent member of Mr. Rockefeller's staff. A "union educational campaign" is to be conducted, and the country is to be flooded with articles by college professors and others bitterly denouncing trade unions. And at the very time when he prepares to circulate Prof. Stevenson's intemperate and amazing defense of industrial absolutism and tirade against trades unions, Mr. Rockefeller enlists the aid of Mr. W. L. Mackenzie King, expert on industrial relations, to devise specious substitutes for trade unions that will deceive, mollify and sooth public opinion while bulwarking the employers' arbitrary control.

Yet it is important to remember that Mr. Rockefeller's character and policies are important only as showing the possibilities inherent in an economic and industrial situation that permits one man or group of men to wield arbitrarily such enormous economic power, and through that power not only to control the destinies and dictate the circumstances of life for millions of wage earners and for entire communities, but to subsidize and control to a large degree those agencies that mold the public opinion of a nation. Even should Mr. Rockefeller change over night, those possibilities of evil would remain inherent in our economic and industrial situation, as a menace to freedom and democracy.

Has the Colorado strike opened the eyes of Mr. Rockefeller and his associates to necessity, wisdom or moral obligation pointing toward radical concessions and changes in Colorado?

The evidence justifying an affirmative answer is lacking. The Rev. Eugene S. Gaddis, head of the sociological or welfare work of the Colorado Fuel & Iron Company left in February, 1915, nearly three months after the close of the strike and two months after the inauguration of the latest plan thus far announced by the company for the protection of employees' interests. He left because no longer was there an executive official in Denver who had time to give serious attention to his suggestions for betterment. He was instructed by Mr. Welborn to take up these suggestions with Mr. Weitzel, manager of the fuel department with headquarters in Pueblo, and Mr. Weitzel, testified the Rev. Mr. Gaddis, was not "at all qualified to speak the first and last word on matters of sociological import, and we do not get along. We did the first year, but he certainly turned on me, and nothing that I did could please him. The fact of it was, my report made statements that I knew would offend him. I did not care. They were outrageous conditions and ought to have been reported, and for that reason he was determined to get me out of the way." The outrageous conditions complained of, said Mr. Gaddis, were in regard to sanitation. He reported that inhabitants of the coal camps were dying of typhus. Mr. Gaddis addressed Mr. Rockefeller protesting against Mr. Weitzel's efforts to discharge him, but Mr. Rockefeller did not answer the letter and his attorney wrote that he could not interfere. Mr. Gaddis' place was taken by an assistant mine clerk whose only qualification, according to the same witness, was that he would assume an obsequious attitude toward Mr. Weitzel. It was two months after his discharge that Mr. Gaddis was described by President Welborn in a letter to the Commission as "an earnest, faithful worker, and undoubtedly a Christian gentleman."

The Rev. Mr. Gaddis visited all the camps of the Colorado Fuel & Iron Company and had exceptional opportunity to meet the miners and superintendents and to ascertain the actual conditions. Testifying in May, 1915, he summed up his judgment of the situation existing in these camps in the following language:

> "I have never seen a situation to my mind more despicable and damnable. * * * It is an oligarchy that is controlling everything."

One, and just one, concession to the demand for better conditions in Colorado has been heralded by Mr. Rockefeller and his subordinates since the strike. This is a plan by which the miners at each camp select representatives or a representative to go to Denver, at the expense of the Company, and attend a conference with the executive officials there. The plan first took form in Mr. Rockefeller's mind when, after the Ludlow massacre, aroused public opinion frightened him into a realization that something must be done. It will be discussed in the concluding chapter.

CHAPTER VI.

THE SITUATION IN COLORADO AFTER THE STRIKE.

The defeat of the strike by the methods that have been described left the Colorado operators free to operate their properties exactly as they saw fit. The United Mine Workers have abandoned, at least temporarily, their effort to organize the miners, and the large operators other than the Colorado Fuel & Iron Company are as determined as ever that there shall be no democratic organization of the industry which they control.

At the mines of the Colorado Fuel & Iron Company a plan purporting to provide the miners with easy access to Company officials, and with other advantages of collective bargaining, has been announced by Mr. Rockefeller and his subordinates, and has been widely heralded by them as evidence that, the strike having been defeated, they are now willing to grant of their own free will and accord what they stubbornly refused to give under the duress of the strike. Before considering the merits of this plan it must be pointed out that the spirit actuating those who conceived and executed it was the spirit of men who give as a charity or a favor that which they had denied when demanded as a right. Even if we grant that the concession has substantial value, it must still be characterized not as a concession to democratic principles, but as an instance of that handing down of favors in which autocrats always have delighted.

But after a study of the plan as disclosed in the testimony of Mr. Rockefeller and Reverend Mr. Gaddis, and in the public announcements of President Welborn, the writer finds that it embodies none of the principles of effectual collective bargaining and instead is a hypocritical pretense of granting what is in reality withheld. The testimony and correspondence not only prove this, but they contain indisputable evidence that the plan was conceived and carried out, not for the purpose of aiding the Company's employees in Colorado, but for the purpose of ameliorating or removing the unfavorable criticism of Mr. Rockefeller which had arisen throughout the country following his rejection of President Wilson's plan of settlement, and which had found utterance even in those conservative circles and newspapers in Eastern cities where Mr. Rockefeller's self esteem could not escape injury by such criticism.

In considering the correspondence and testimony that will here be quoted, it must be borne in mind that Mr. Welborn is still the President of the Company and the dominating executive official on the ground in Colorado. If it appears that Mr. Welborn's spirit and attitude toward the new plan, as disclosed in his correspondence while this plan was being formulated, were such as to convince the recipient of his letters that he was temperamentally and by conviction unfitted for the carrying out of any plan for real collective bargaining, then Mr. Rockefeller's retention and continued support of Mr. Welborn must be taken as a measure of his own sincerity regarding the plan. Statements by Mr. Rockefeller and members of his staff that mistakes undoubtedly were made during the strike, and intimations that the policy of the Company would be different if the same circumstances again arose, must all be judged by the acts of Mr. Rockefeller and his subordinates since the strike.

In June, 1914, Mr. Rockefeller was planning what he called a "union educational campaign". It was to be conducted by Mr. Lee, his publicity expert, and in connection with it Mr. Rockefeller proposed to Mr. Lee that he circulate copies of an article by Professor Stevenson of New York University, bitterly attacking trade unionism. It was at about this time that he also conceived the plan of conducting through the Rockefeller Foundation an extensive investigation into the field of industrial relations. He met Mr. W. L. Mackenzie King of Ottawa, Canada, formerly Minister of Labor for Canada, and proposed to Mr. King that he, Mr. King, take charge of this inquiry. On August 1, 1914, he wrote to Mr. King, who had not yet joined the staff of the Foundation, the following letter:

As you have doubtless learned from the papers, the situation in the coal mines of Colorado is quiet. Practically all of the mines are in operation, the output being seventy or eighty per cent of normal, but quite all that present business conditions will absorb. Practically all of the men who are needed are obtainable. On the other hand, tent colonies are maintained, in which some fifteen hundred or two thousand strikers still reside. These tent colonies are a constant menace to peace and are only held in subjection by the presence of the federal troops. If the latter were withdrawn, doubtless these unoccupied men, many of them, we believe, paid by the union to continue the disturbances, would renew active hostilities. I wrote Mr. Welborn, the President of the Fuel Company, a few days ago, inquiring what the present status was of the various committees or individuals appointed to undertake to terminate the industrial warfare. A copy of his interesting reply I enclose herewith.

There would seem to be but two ways in which a permanent condition of peace can be restored. First, by the calling off of the strike by the United Mine Workers of America. That this is likely to happen in the near future we have no definite reason to believe, unless the financial resources of the union are so depleted as a result of their industrial conflicts in several states, that they cannot much longer continue to support the striking miners. Secondly, by developing some organization in the mining camps which will assure to the employees the opportunity for collective bargaining, for easy and constant conferences with reference to any matters of difference or grievance which may come up, and any other advantages which may be derived from membership in the union. When we had our first conference at my house, you remember we discussed this matter and developed certain points which such an organization would include. I am wondering whether you can take the time to dictate, at your convenience, an outline of such an organization and send it to me for consideration. I think we all recognized in the conference above referred to the many difficulties in the way of devising such a plan; at the same time, there were certain points which we agreed upon as essential. An outline covering these essentials and as fully developed as your experience and present thought might make possible is what I have in mind. The purpose of this outline would be to provide a basis for our further consideration of the subject and for our discussion of it with the officers of the Colorado Fuel & Iron Company. While I recognize that after your studies have progressed you will feel yourself much better fitted to outline such an organization, on the other hand it seems to me that a step of this kind is going to be the next move. This is only my personal opinion. I have not talked with my colleagues or with any of the officers of the Colorado Fuel & Iron Company about it.

I understand that you are about to start on your Western trip and that your time is fully occupied. I shall not expect a carefully studied or carefully rounded plan—simply a rough outline of those points which may occur to you, without extended thought but more as a result of your past experience with questions of this kind. I shall be in New York for the next ten days or two weeks and shall be glad to hear from you at my office address. The accompanying editorial from the New York Times of July 30th is along the line of my suggestion.

On August 6 Mr. King replied as follows:

As stated in my wire to you, I did not receive your letter of August 1st until the late mail on Thursday the 4th. The announcement of the declaration of war between Britain and Germany came a few hours later. Pressing duties arising out of this exceptional circumstance made it impossible for me to get off a letter to you yesterday as I had hoped, and may necessitate this letter being less in detail than I should like. However, please do not hesitate to suggest my coming to New York to see you if you should desire this. I shall be quite frank in stating if it is impossible to get away for forty-eight hours. Just now I am with Sir Wilfrid most of the time, as this seems to afford an opportunity of service greater than any other which it is possible for me to hope to render in the present crisis.

The western trip has been called off owing to the war, and as you may have noticed, the Canadian Parliament has been called for a special session to open a week from Tuesday. It is hardly probable that this session will last any length of time, but while it is on, and until there is something decisive in the European situation, I almost feel that I owe it to my country to stay here and be available in contingencies that may arise. Under these circumstances, I am inclined at this time of writing to feel that notwithstanding the cancellation of the Western trip, you will think I am taking the right course if I hold to the original intention of not giving my time wholly to the work of the Foundation until about October 1st, as originally planned. On the other hand, the cancellation of the Western trip makes possible an earlier announcement of my association with the Foundation, if any useful purpose might be served by this. If in the interests of the Foundation it would seem desirable to make the announcement in the near future, I should be glad to confer with Mr. Greene, Mr. Murphy or yourself as to the time and form in which it could best be made, having regard to the work itself.

Coming to the Colorado situation: I agree with you in believing it to be extremely unlikely that the United Mine Workers of America will call off the strike. They might be willing to drop open active support by degrees, but I am inclined to think that where recognition has been the principle for which they have been fighting, they will not openly abandon the struggle with anything short of what they may be able to construe as such.

It may be, however, that organized labour in the United States will realize the opportunities and handicaps likely to come to certain industries through the changed conditions of Europe, and will be prepared to cease hostilities where industrial strife at present exists, in order that on the one hand labour may reap with capital a fuller measure of the harvest, or, in industries that may be differently affected, protect itself against consequences that are certain to arise. I fear that the view likely to be taken by some of the leaders may, at the outset, be the short-sighted one of endeavouring to persuade their followers that the opportunities which may come to American capital through the crippled condition of industries elsewhere, will induce a recognition which under less favorable circumstances might not be granted. This is almost certain to be the immediate effect, and I think you are wise, therefore, in dismissing altogether from your mind the possibility of the United Mine Workers calling off the present strike, even if, under any circumstances short of recognition, they would be likely so to do. It will not be very long, however, before the inevitable effects of the European war on American labour conditions are certain to make themselves felt, both because of the scarcity of capital available for investment, and the crippled condition of industry on the other side, and once this becomes apparent, the unions will have to revise considerably some of their present policies.

Having regard to the more cordial relations between labour and capital which, it is hoped, the Foundation may be able to effect, it would be fortunate, indeed, if you could, out of the changed conditions which this European war is certain to produce, find a means of restoring industrial peace in the United States in industries such as coal and fuel where there is a certainty of a direct bearing. It may be that among those who are embarrassing the situation in Colorado, there are many foreigners who may feel compelled to return to Europe, and that may prove an immediate factor of importance. Looking at the ultimate, rather than the immediate effect, there is, speaking generally, going to be a large amount of unemployment as a consequence of this war, and once the war is over, thousands of men and their families in the Old World are going to seek future employment here in the New. In certain industries it is going to be easy for employers to find all the labour they desire, and unions will be confronted with a new problem. Recognition, simply for the sake of recognition, is going to be seen to be less pressing as an immediate end, than that of maintaining standards already existing, and may rightly come to regard as their friends and allies companies and corporations large enough and fair enough to desire to maintain these standards of their own accord. For the unions to take a different view will certainly mean to lose the substance of fair conditions while wasting resources in fighting for the shadow of recognition. Here, it seems to me, lies a possible avenue of approach towards restoring normal conditions in Colorado.

The possibilities here set forth might be pointed out by employers in a perfectly frank and open manner. It might be said with equal frankness that were it desired to profit by such a situation, employers may seek later to enforce individual agreements with all men desiring to enter their employ; may even consider, as some doubtless will, altering conditions of employment to their supposed immediate advantage. Between the extreme of individual agreements on the one side, and an agreement involving recognition of unions of national and international character on the other, lies the straight acceptance of the principle of Collective Bargaining between capital and labour immediately concerned in any certain industry or group of industries, and the construction of machinery which will afford opportunity of easy and constant conference between employers and employed with reference to matters of concern to both, such machinery to be avowedly constructed as a means on the one hand of preventing labour from being exploited, and on the other, of ensuring that cordial cooperation which is likely to further industrial efficiency.

Granting the acceptance of the principle outlined, the machinery to be devised should aim primarily at securing a maximum of publicity with a minimum of interference in all that pertains to conditions of employment. By this, I mean, that the hope of establishing confidence between employers and employed will lie more in a known willingness on the part of each to confer frankly with the other than in anything else. Similarly, the avoidance of friction, likely to lead to subsequent strife, is likely to be minimized by agencies which will disclose the existence of irritation and its cause, at or near inception; trouble most frequently follows where ill-feeling is allowed to develop, unknown or unheeded.

A Board on which both employers and employed are represented, and before which at stated intervals questions affecting conditions of employment can be discussed and grievances examined, would appear to constitute the necessary basis of such machinery. The size of this Board, and whether there should be one or many such Boards, would depend upon the numbers employed, and the nature of the industry, and whether or not the work is carried on in one or several localities. Where, for example, there are different mines, or refining plants as well as mines, it might be that boards pertaining to each individual concern might be combined with a provision for reference to a joint Board covering the whole industry, or group of industries, to which matters not settled by smaller Boards might be taken for further discussion and adjustment.

In determining the character of representation on such Boards, broadly speaking, a line might be drawn between those who are "paid salaries" on the one hand, and those who "earn wages" on the other. This is very rough and very general, for there are in some industries a class of petty bosses whose interests may appear to identify them more closely with wage-earners than with salaried officials, but broadly speaking, men who have authority to give orders and to direct operations, fall into the salaried class, while men who have no authority to direct others, and whose own work is subject wholly to direction, fall into the category of wage-earners. The selection of representatives on such Boards should be made at a meeting or meetings of employees called expressly for the purpose. It might be left optional for the employees to say whether they desired a permanent form of organization of which their representatives on a Board would be the officers, or whether they would prefer the selection of individuals at stated periods, without reference to any permanent form of organization. It could also be left optional with the workers themselves to say whether they wished to allow representatives so chosen, a salary in payment of their services, or whether such services would have to be voluntary. A company might, with propriety, offer to provide a place of meeting for the Boards, and possibly go the length of supplying the employees with permanent office accommodation for their representatives, leaving it, however, to the employees themselves to provide whatever might be necessary in the way of salaries and expenses in the keeping up of such offices.

It would not appear desirable at the outset that these Boards should have anything to do with benefit features. They should not be framed with a view of restricting through possible benefits, the liberty of any man as respects the continuance of his employment, but should aim primarily at affording a guarantee of fair play in determining, in the first instance, the conditions under which men would be obliged to work and the remuneration to be paid, and secondly, the carrying out of these conditions in a spirit of fair play.

One thing to be especially aimed at in the construction of such Boards would be the making virtually certain of the possibility of grievances or conditions complained of being made known to, and subject to the review of persons in authority over and above the parties immediately concerned, where the parties fail to adjust these differences between themselves; this to be carried even to the point that directors, if need be, should have, where the numbers to be affected are likely to justify it, a knowledge of the situation, and power to pass upon it. This feature will probably not appeal to pit bosses and managers who may desire absolute authority. On the other hand, I am convinced it should be possible to so frame a constitution for these Boards that the possibility of this review would in no way interfere with discipline, but would be a material assistance rather than a handicap to those who are charged with responsibility.

What might be expected of Boards of this kind would be that employees, before taking up any question with the officers of the company would try to adjust or settle it among themselves. Failing adjustment in this manner, differences and difficulties would be presented to the officers of the company, not by the individuals immediately affected, but by the duly constituted representatives chosen to safeguard the interests of all. Having had a preliminary sifting in this manner, cases could be brought before a committee of the Board or before the whole Board in any one industry for adjustment. If it should be found that an individual Board could not definitely determine a matter of importance, there might be brought a further appeal on stated conditions to a Board chosen to represent the industry as a whole, or a group of allied industries; the purpose here being to get away, to a degree, for purposes of adjustment, from the parties immediately concerned, but not wholly away from parties likely to be ultimately affected. This would make it an essential that all members of such boards, excepting possibly, persons chosen as chairmen, referees or umpires, should be persons actually employed in the industry or connected with it in some way, not persons chosen from outside. It should be possible, however, for workmen to select one or more of their number, who could give their entire time to acting in a representative capacity, and pay them a salary pending their acting in such capacity.

I think, in a very rough way, this covers the points mentioned in our conversation. I really hesitate to send this letter in such rough outline and without care in preparation. I believe so strongly in never advising in regard to any situation until one has made oneself familiar with all its phases, that I feel I am running a great risk in even setting forth what this letter contains, as there may be conditions or reasons which will render its suggestions wholly inapplicable to some of the industries with reference to which consideration is invited. I should mention, too, that in the course of the present dictation, I have been subject to constant interruptions, and in fact, have had to pick up this letter and drop it half a dozen times before reaching this point, all of which is most unsatisfactory in a matter so important. I understand, however, from your letter that for the moment, you are agreeable to accepting a very rough outline, the purpose being mainly that of enabling persons immediately concerned with the industries to consider possibilities and limitations of the suggestions made, in order that these may be taken account of in the working out of some definite plan when the same may come up for consideration.

With this understanding I am agreeable to letting this letter go forward. Without it, I should hesitate, without opportunity of mature consideration, to attempt to give concrete expression to views which are clear in my own mind, but which, without knowledge of the conditions to which they are to apply, I find the greatest difficulty in seeking to convey.

It is unnecessary to dwell here on the circumstance that Mr. King speaks of "the shadow of recognition," indicating that he sees the labor problem as merely one of securing for the workers a decent degree of physical welfare, and in no sense as a problem of democratizing industry and freeing the wage earners from arbitrary economic control. Nor does Mr. King hesitate to advise Mr. Rockefeller as an employer how he may take advantage of a situation produced by the war to defeat the aspirations of the workers, and force them to take about what he desires to give. Mr. King's personal bent is not of great importance in connection with the Colorado situation, although it is of the greatest importance in determining what may be expected of the Rockefeller Foundation's proposed investigation in the field of industrial relations. But in Colorado Mr. King's recommendations were so modified by the wills of Mr. Rockefeller and Mr. Welborn that he was not a controlling factor.

Mr. Rockefeller sent a copy of Mr. King's tentative proposal to Mr. Bowers, who was still chairman of the board at Denver, and to President Welborn. In his letter under date of August 11 to Mr. Welborn, Mr. Rockefeller said:

> For some months, we have been talking with different ones who are familiar with the subject, about some simple machinery which would insure quick and easy access on the part of the employees of the Fuel Company to the officers of the company, with reference to wages or conditions of employment, feeling that the officers of the company might think that the introduction of some simple mechanism of this kind would tend to promote kindly feeling between the employes and the officers, as well as be a further evidence to the public of the entirely fair and just attitude of the officers toward their men. Among the men with whom we have talked on this subject, we have found no one more intelligent, more practical or more experienced than Mr. W. L. Mackenzie King, who was a short time ago the Secretary of Labor of Canada. As Deputy Secretary, Mr. King himself settled forty-five strikes. It is he who prepared and put on the Canadian statute books laws with reference to the handling of industrial disputes which have so materially reduced the

number of strikes in Canada during the past few years. Mr. King is a man who has approached this subject from both the theoretical and the practical side. I fancy that his success in settling the strikes above referred to was due partly to his extensive knowledge of and wide experience in dealing with industrial difficulties and partly to the fact that he has the faculty of making men of high and low degree believe in his sincerity and genuineness.

Having had several conferences with Mr. King during the past few months along these lines, it occurred to me the other day to ask him to outline briefly some simple machinery which would accomplish the result suggested at the beginning of this letter. I am enclosing a copy of that portion of his reply which deals with the subject. You will understand that as a Canadian subject closely related to the government, Mr. King is overwhelmed with public duties at this time, in connection with the European war. He has been unable to give the subject of my letter any careful or continued thought but has dictated hurriedly some of the points which he made in his discussions of this subject with us.

I am sending this memorandum to you in the most informal way, without any conference with my colleagues, simply for the purpose of ascertaining whether you gentlemen in Denver believe that anything along these lines is worth considering for the Fuel Company. If you think it is, as we are inclined to believe, it occurs to me that it might be possible for us to arrange with Mr. King, should you so desire, to go to Denver, at your invitation, for conference privately with you gentlemen. The purpose of this conference would be for you to give him the many facts as to the Fuel Company's organization, a knowledge of which would be essential to enable him to outline a plan adapted to the specific requirements of that company. If there is any man available who could be helpful in working out such a plan as this, I believe Mr. King is the man. My thought would be for him to go to

> Denver in an entirely private and unofficial capacity as your guest, without its being generally known that he was there. I should not expect him to undertake to visit the coal properties of the company, but rather simply to confer with you gentlemen in your own office.
>
> I shall appreciate a frank expression of your feeling on this general subject, and if I can be of any help in developing a plan, should the idea meet with your approval, or in securing such a visit from Mr. King, as I have suggested, I shall be only too glad to do so. I may say in passing that I had a few words with Mr. Lee on this general subject before he went west.

Mr. Bowers wrote his chief on August 16, 1914:

> For us to take steps at the moment, to form such a board, would be regarded by the public as an admission on our part, that some such committee or board was lacking prior to the strike and might perhaps have prevented it.
>
> To form such a board now, would discount every utterance we have made and insisted upon, that there were no differences whatever and the strike was not forced because of any grievances or differences.
>
> The United Mine Workers of America, could and would justly charge us with inconsistency and that we were forced to side step and at last compelled to admit their repeated charges, that the miners had no way to reach the managers with their grievances.
>
> We have known for some time, that if we would agree to a joint committee of miners and operators being formed the strike would be called off and without recognition of the union being mentioned. Such a scheme was no longer ago than yesterday, passed by the strike leaders here and submitted to the International Committee at Indianapolis, who meet there Monday next, who in turn are expected to submit it through Mr. Davies, one of the investigating committee, to the operators.

This trick they know would be a recognition of the union and they would shout it over the world, that they had won the strike and our men set upon by a horde of organizers and run into the union and followed in a year or two with a strike and the open shop would be shut.

Later on and after the strike is off, or worn out, the writer would favor and take an active part in joint conferences, directly with our miners and undertake to form a scheme or plan that would give the miners a representative to whom they could go with any matter that they thought should be adjusted. I mean a board that would have a much wider field than investigating grievances and adjusting quarrels, but who would undertake to prevent quarrels. To suggest ways and means for the betterment of the miners in many ways, and help solve the perplexing social conditions and a general uplift board, so to speak.

There has been some cause for complaint, I think, in some coal companies, because of the inability for miners to reach the officers—higher up—with their real or fancied complaints, but this has not been shown to be the case in the C. F. & I. Co. To remedy this would be one of the good features that a board would be expected to develop; they would be the "missing link" between the miner and the managers.

At the proper time, the writer will give his cordial support and will take an active part in formulating such a scheme and help to make it valuable to both the miners and the company alike, not only to forestall trouble, but to bring about better feelings and conditions for the mutual benefit for all concerned.

To take this up at the moment, would be most unwise in my opinion from every viewpoint; I feel certain other operators would balk, the socialistic papers would charge us with dodging and hiding behind this eleventh hour scheme to save our faces. The Union leaders would use it as a club to drive us into some other corner.

Our rugged stand, has won us every foot we have gained

> and we know that the organization is bankrupt in this field, while the big men in the union are at swords points because of their failure here; so to move an inch from our stand at the time that defeat seems certain for the enemy, would be decidedly unwise in my opinion.
>
> The political gang at Washington are at their wits' end to find some way to get out of the pit they helped these leaders to dig, so we are encouraged to stick to the job till we win.

President Welborn wrote as follows to Mr. Rockefeller on August 20:

> I was very much impressed with Mr. King's thorough presentation of the merits of what might be termed a conciliation board, and have carefully reread his propositions a number of times. A plan somewhat similar in form was suggested by Secretary of Labor Wilson when he was in Colorado the latter part of November, and following the meeting between the three striking miners and representatives of the operators, a part of which he (Wilson) attended. I have no doubt Mr. King's plan would be effective in cases of frequent disputes between the employed and employer, or where there was a general recognition of union labor without the "check-off" and exclusive rights of the members of the union that are a part of the policy of the United Mine Workers of America.
>
> It seems to me, however, that the adoption at this time by the Colorado operators of such a plan as Mr. King suggests, would weaken us with our men; would tend to strengthen the organization with our employes not now members of it; and would, in the minds of the public, be an admission on our part that a weakness, the existence of which we had previously denied, was being corrected.
>
> The strike of our coal miners was literally forced upon them against their wishes by people from the outside. I imagine that some people more or less intimately connected with labor conditions in other parts of the United States, but uninformed as to our affairs, would accept

this statement with a good deal of allowance, but I contend that it is absolutely correct as made, and that being true, no arbitration or conciliation board operating between workmen and employers could have prevented the calling of this strike.

I am interested in what you say about the results of Mr. King's labors in Canada in connection with strikes, and hope to some time have the opportunity of discussing work of this character with him. It seems to be unnecessary, however, for him to come to Colorado at this time, for my opinion, as indicated above, is that it would be inadvisable to undertake a plan such as Mr. King suggests while the coal strike is in an unsettled state. We know there is no demand on the part of our men—at any rate, none of moment—for a board to arbitrate or handle possible differences between them and the mine officers. Whatever demand there may be of that character comes from the uninformed public and is an opinion, rather than a demand, based on misinformation as to conditions surrounding the Colorado strikes.

I think that the views expressed by those from whom I have received letters inspired by the bulletins are somewhat significant, and practically all of these have, while commending the coal mine committee for setting the facts before the public, approved the general policy that the operators have pursued.

Mr. Bowers, Mr. Weitzel, manager of our fuel department, and I have considered the advisability of at some time inaugurating a plan to be represented by the proper committee, by which our men could, when they considered it necessary, reach the higher officers of the company on matters in which they were concerned. We were prompted to the consideration of this because of the charge frequently made during the past few months—which as to the C. F. & I. Co. is false—that the workmen could not reach the officers of the company on any matter without fear of discharge by the superintendent, and by the fact that this charge seemed to make an impression on some of those who were naturally favorably disposed toward our side of the controversy and toward our general policy. We have thought that whatever we do in this direction should be done after the strike is over, and as a natural forward step from or development of our past liberal policy toward our men. Above all, it seems to me that we should avoid a course that would, in the minds of the public, justify the charge that we had been forced by the United Mine Workers of America into giving our employes something radically different and better than they had previously enjoyed. Mr. Lee is now working on some bulletins of an introductory nature, to be posted at our mine, from which we can work into a broader scheme of co-operation, as seems advisable.

In normal times we have considered that our interests were best served, generally speaking, by pursuing a course independent of the other operators. During the strike, however, there has been very satisfactory co-operation among all of the operators, except the few who signed up with the miners' organization; yet I do not feel that that co-operation should be extended to cover our plans, as herein outlined, to which many of them might object, and in the operation of which I fear good faith would not always be shown.

I have delayed answering your letter for the reason that I wanted to take time to consider the question presented in all of its phases. In expressing my views I have attempted to be as unprejudiced as circumstances would permit, and have tried to be governed by feelings that could not be considered arbitrary.

In reply Mr. Rockefeller, under date of August 28, wrote:

I fully understand your point of view, and quite agree with your conclusion that, however desirable some such plan as suggested by Mr. King may be for future consideration, in order to give additional assurance that any just cause of complaint by an employe can be brought

> to the attention of the officers, it is not desirable to take the subject up at this time.

There the matter rested until President Wilson on September 7 made public his plan of settlement and his letter to the operators, urging them to accept it.

On September 8 Mr. Starr J. Murphy, attorney on Mr. Rockefeller's personal staff, wrote to Mr. Welborn, on Mr. Rockefeller's behalf, the letter that has already been quoted in a previous section of this report, in which he warns Mr. Welborn against action on the President's proposal that might involve "any entanglement with the labor union," or "an attitude which would arouse a hostile public opinion."

It will be remembered that Mr. Rockefeller participated in the rejection of the President's plan, not only by instructing Mr. Murphy to write the letter just quoted, but by having the company's letter of rejection drafted by President Welborn in collaboration with two of his personal employees, Messrs. Murphy and Lee. The letter of rejection was dispatched on September 18. On September 16 Mr. Murphy wrote again to President Welborn, sending him editorial clippings and saying:

> I am impressed with the frequency with which they make the point that the parties should either accept the President's plan or should suggest some other. It seems to me clear that public opinion will demand either the acceptance of the President's proposition, or some constructive suggestion from the operators. A mere refusal to do anything would be disastrous.

This letter did not reach Mr. Welborn until after the letter of rejection had been sent to the President, but Mr. Rockefeller had sent Mr. Lee to Denver to assist in the preparation of the letter of rejection, and it was probably Mr. Lee's influence that brought about the insertion of the following sentences in Mr. Welborn's letter to the President:

> A plan to secure harmonious relations in some industries or sections of the country would not necessarily ap-

> ply to our peculiar conditions. We are now developing an even more comprehensive plan, embodying the results of our practical experience, which will, we feel confident, result in a closer understanding between ourselves and our men. This plan contemplates not only provision for the redress of grievances, but for a continuous effort to promote the welfare and the good will of our employes.

With these sentences in Mr. Welborn's letter to the President in mind, what is to be thought of Mr. Welborn's honesty, when on the following day, September 19, he writes to Mr. Murphy:

> I appreciate your very thoughtful letter of the 16th inst, with suggestions for consideration *in the event of its being necessary to propose some plan to take the place of that presented to us by the President.*

But Mr. Murphy in New York is still impressed with the volume of criticism aroused by the company's refusal to accept the President's plan. On October 5 he writes:

> What would you think of the idea of having in each mine a mine committee consisting of representatives of the operators and representatives of the miners employed in that mine, chosen by the miners from their own number, which should be charged with the duty of enforcing the statutes of the State and also the regulations of the Company looking to the safety and comfort of the miners and the protection of the company's property?
>
> Some years ago I visited the George Junior Republic, and was greatly impressed with the way that their plan of local self-government worked. The boys and girls who were there were mostly of the unruly class, and a good many were sent there after conviction in the criminal courts. They, however, made their own laws and enforced them, with the result that there was almost no infraction of the rules. Even the most unruly felt that if they themselves passed the laws and were charged

> with their enforcement, it would be undignified and foolish not to do so. The entire force of public opinion was in favor of law enforcement rather than against it. Would it not work the same way in our mines if a committee of the men themselves was charged with the responsibility of enforcing the rules?
>
> Such a mine committee could also be a medium of communication between the employes and the operators on any matters of common interest, and would take the place of the objectionable Grievance Committee referred to in the plan which has been adopted by the President. Most of the adverse criticism arising from the operators' refusal to accept the President's plan in its entirety is based upon their apparent unwillingness to give the men any opportunity for an expression of opinion. I am afraid this criticism cannot be met by anything except some organized means of such expression. While we ourselves may be perfectly sincere in our statement that at present the men have an opportunity to present their views to the higher officials, it is difficult to convince the public of that fact, and consequently public opinion is hostile. This public opinion is an important factor in the situation and has got to be reckoned with.
>
> Please understand that again I am merely thinking out loud, and send this to you for what it may be worth.

It is perfectly obvious from this letter that Mr. Murphy's motive is to influence public opinion rather than to bring about any change in the Colorado regime.

Highly important as showing the bent of Mr. Welborn's mind, and his conception of what constitutes collective bargaining, is his answer to Mr. Murphy. On October 9 he writes as follows:

> I have yours of the 5th instant asking what I think of the idea of having at each mine a committee consisting of a representative of the operator and a representative of the miners, which should be charged with the duty of enforcing the statutes and the regulations of the com-

pany looking to the safety and comforts of the miners and the protection of the company's property.

I think such a plan, or a modification of it, might be employed to advantage. I have also considered with favor a suggestion you made when I was in New York, of paying a prize of a trip to Denver, for efficiency in some particular line.

Yesterday and day before Mr. Weitzel, our manager of the fuel department, was in Denver, when he and I went over your suggestion last referred to and decided to perfect a plan along that line. It so happens that we also considered a part of the suggestion contained in your letter of the 5th, which had not then been received.

There are a number of things in connection with coal mining operations much to be desired. Some of them are noted below:

Regularity in work.

Efficiency.

General observance of rules and laws.

Care to guard against accidents.

Loyalty to the company's interests.

Cleanliness in the homes.

Mr. Weitzel and I thought that we might possibly develop a system of marking for efficiency in some of these lines, and offer a prize to the one who made the best showing in a year, or some shorter period if that seemed advisable. My first thought in connection with it was that the contest should take place at each mine independent of all the others.

We have already started on a plan which was suggested by Mr. Lee, of getting at the complaints of the various men, in some cases through the doctors, and at one mine through the store manager, who maintains a most intimate relation with all of the workmen. We have started this at only four of the properties and will try it there before extending the plan any further. If it proves successful, we can work from it into something perhaps a little broader. But I think we must avoid now the appointment of a committee, as that would come too near one of the demands of the miners' organization which has been frequently made, and is expressed through their so-called truce proposal presented by the President.

I think, for the purpose of carrying out your idea of having a committee charged with the duty of enforcing the statutes and the regulations as to safety and comfort of the men, it might be well to have the manager make the appointment without there being any feeling that a part of the committee represented the company and the other part the workmen. There are some mines at which undoubtedly our manager could select three miners who would be glad, and could be safely depended upon to assume the responsibility suggested by you, and would in every sense of the word be safe. In considering this forward work, which I feel we must certainly keep in mind, I am impressed with the importance of so composing whatever committees are found advisable as to make it appear that they all represent the same interest; in other words, that there is but one interest which is in every sense of the word common, yet having it understood that the committee is as free to consider any complaints or grievances of the men as though it were one entirely of their own selection. I feel that the existing relations between ourselves and our workmen is such as to form a natural foundation for development along that line. I also feel that every step should be made with very great care, so as to avoid impressing the men with the feeling that we are alarmed or think that we ought to give them some representation which heretofore they have not had.

I want you to feel that your suggestions along that or any other line are most welcome, and whenever you wish to think out loud about matters that concern the company, I shall be glad if you will put your thoughts on paper and mail them. I shall hope before the winter is over to have an opportunity of talking with you all again and reporting progress that we are making along the lines that seem to all of us important.

On December 17 Mr. Welborn issued the following public statement:

> In my letter of August 20, 1914, to Mr. John D. Rockefeller, Jr., in connection with a suggestion of W. L. Mackenzie King, the contents of both of which have been made public through the hearings of the Commission on Industrial Relations, I referred to plans then under consideration of providing a method (more systematic than heretofore in use) by which our workmen could reach the higher officers of the company on matters in which they were concerned.
>
> I made further reference to the plan in my letter of September 18, 1914, to the President.
>
> The selection of Mr. David Griffiths for the extension and direction of the plan puts it into systematic operation, and we are sure will meet the requirements in the situation where representation by committee has not been requested. Mr. Griffiths is peculiarly fitted for this work, over which he will have complete charge. The extent to which he enjoys the confidence of the men will make him their natural representative in any differences that they may have with the foremen under whom they work. If he succeeds in inducing the men to select their own check weighman, as we earnestly hope he will, that will give them another representative.

This was accompanied by the following notice to employees:

> To Our Employees:
>
> Mr. David Griffiths has been assigned to the duty of extending and directing the work of co-operation and general welfare among our employees.
>
> He will take up his work immediately and spend prac-

tically all of his time at the mines, investigating and adjusting complaints.

As he is well known to all of you, he needs no introduction, and I know he will receive the active co-operation of every one connected with the company.

On December 18 he wrote to Mr. Rockefeller as follows:

Since writing you on August 20th, 1914, in answer to your letter of August 11th, with which you enclosed a copy of Mr. W. L. Mackenzie King's suggestions, we have been actively at work perfecting our plans to provide an easy means by which our employees could present their suggestions, or grievances if they had any, to officers of the company who would see that they received proper consideration.

Now that the strike is over and the chance for misinterpretation of our motive is to some extent removed, we are putting into systematic operation the plan embodying the results of our experience, and Mr. King's suggestions as far as seemed practicable.

As will be noticed by the circulars enclosed, the plan is designated as the work of co-operation and general welfare, and has been placed under the direction of Mr. David Griffiths, a man peculiarly fitted for the work.

Through our investigation among the camps, we have found that general satisfaction still exists and that there is no demand, and apparently no desire, on the part of the men that they should have what is termed a grievance committee.

Occasionally some man will say that the doctor has not treated him right. Another will have some complaint of the treatment at the store. And some will think that they should have better working places in the mines. But these are nothing more than isolated cases, and the sentiment of the men seems to be that they do not want a committee for whose activities in handling complaints they would have to pay (according to general practice) a larger figure than the same men would earn while at work about the mines. They are, also, in the main, opposed to paying the small sum that would be necessary in order to provide their own checkweighmen.

Three workmen have been in my office in the last few weeks. One of them, a miner, came to ask me if we would provide a place in which to keep an automobile that he had bought. The other two had been called before the Commission on Industrial Relations by a special agent of that Commission, and after testifying, came of their own volition, and not by request, to see me.

All these men took occasion to say, without questioning that they were earning good wages and were satisfied with their condition.

One of them who was quite talkative, volunteered the information that if he had a complaint and the superintendent would not adjust it, he would go to the officer next in authority, and finally to me if he did not secure satisfaction earlier. I assured him that he should do just as he said he would.

All of these men said they did not want a checkweighman; that they felt they were receiving full credit for the coal they mined; and they did not want to pay 50 cents or one dollar per month to employ a man of their own.

I am referring to these instances for the reason that they fairly represent the character of discussions that, in the main, take place between the workmen and the department officers of the company visiting the mines.

From another man, an Italian, I received a complaint not long ago of unfair treatment. The investigation of this complaint developed the fact that the man had worked in three different places within the past few months, and made four distinct complaints about his working conditions. The places about which he complained were readily taken by others, who made very good wages in them. This man's last complaint was made about a working place in our Morley mine. By some re-arrangement in an effort to satisfy him, the Division Superintendent, together with the mine superintendent and the underground foreman, found two other places, in either one of which they would allow him to work—giving him his choice of the three. All were good places and all anxiously sought by other workmen, but this man declined to take either or to remain at the mine. The facts are that he was a chronic complainer, and would probably never be satisfied any place.

This instance is mentioned to show the extent to which our superintendents go at a time when workmen are most plentiful, to satisfy the men in our employ.

These cases, a few others that have come under my personal observation, and the reports from four or five of our men in the Fuel Department working in a general capacity that gives them access to all the mines, convince me that the plans consummated, which will be under the personal direction of Mr. Griffiths, will more than meet the requirements of the men, and when fully placed before the public, ought to satisfy it.

If anyone can induce our workmen to select checkweighmen, Mr. Griffiths is that man; and if he succeeds in this purpose, which we earnestly hope he will, their checkweighmen will be the natural personal representatives of the other workmen. Mr. Griffiths will himself be their representative in any differences that arise between the workmen and either the superintendent, the doctor or the store. He is probably better known to coal miners in the state than any other man and enjoys their confidence to a degree not equalled by that of any other man in the state. He has always been the friend of the mine workers, and will stand out for them and their interests. At the same time, he will usually be able to correct the impression of the worker whose grievance is only imaginary.

We are establishing club houses at several of the camps, not only at places that have heretofore had saloons but at many other mines. We are providing, and to some extent equipping, the club buildings. The men will form their own club organization at each camp and operate it with men of their own selection.

Knowing your deep interest in the work here outlined and being uncertain as to when I will be able to see you, I have written you at some length. After the work in its present form is more actively under way, I shall take the first opportunity of discussing it with you and your associates.

Mr. Rockefeller replied December 30, 1914, as follows:

It was a great pleasure to us that Mr. Herrington was able to stay in New York for some days. I thoroughly enjoyed coming to know him more intimately and the opportunity for a number of leisurely talks with reference to Colorado interests. At my request, he will tell you more fully than I could write of a number of things which we talked over.

I am enclosing for your information copy of a letter prepared by the Commission, of which Mr. Low is chairman, appointed by the President to help bring about, if possible, better relations between the coal operators and the coal miners of Colorado, which letter I read to Mr. Herrington but retained to have copies made. The Commission is disposed to send this letter to the president of each of the mining companies in Colorado. I have told Mr. Low that the spirit in which the letter is written seemed to me well calculated to assure the operators of the friendly and helpful disposition of the Commission. In due course, together with the other operators, you will receive this letter from the Commission. It occurred to me that the accompanying memorandum might contain points which would be suggestive to you in making your reply.

Our feeling here is that, the strike having been terminated, it will be the wish of all those connected with the Fuel Company to introduce as rapidly as may seem

> expedient the various progressive steps in such a plan as your further thought will suggest, looking toward the prevention of a possible recurrence at any time in the future of the disorder and loss on every hand which has resulted from the recent strike. At my request, Mr. Herrington told me of the tentative plan which you and he had considered, and in our several conferences I undertook to develop the idea with him more fully. We believe that the adoption of some such plan as this will be in the interest of the employes of the Fuel Company and of the stockholders, that it will reflect credit upon the President of the Company, that it will insure the cordial and hearty good will of the employes and that it will win for the Company many friends, both in the West and the East, among business men and state and government officials. Its adoption would only be in line with the position which you took in your letter to me of last August, written after the receipt of my letter accompanied by certain suggestions of a plan for co-operation. I believe that after it has become effective, it will render increasingly easy your work in the management of the Company. At the same time, I believe that you share with us the desire to show all deference and courtesy to the President's Commission and our feeling that their approval of your plans and, if necessary, their co-operation will help materially in securing the approval not only of the administration but of the public at large.

On January 25, 1915, Mr. Rockefeller appeared before this Commission in New York City and testified as follows regarding the new plan:

> The strike was called off December 10, 1914. On December 16, Mr. David Griffiths, formerly State Coal Mine Inspector of Colorado, was appointed an intermediary between the Company and its employes, respecting matters of mutual interest.
>
> On January 5th a notice was posted at all the Company's mines, inviting the employes at each of the mines

to assemble in mass meeting to select by ballot one representative to every 250 employes in each camp, to represent the men at a joint meeting of themselves and the executive officers of the Company in Denver, "for the purpose of discussing matters of mutual concern and of considering means of more effective co-operation in maintaining fair and friendly relations."

In the published notice of these meetings, it was stipulated that in order that the men might feel the greatest freedom in making their selection, they should choose their own chairman and neither superintendents nor pit bosses should attend.

The notice added: "The person selected to attend the Denver conference shall be the duly accredited representative of the employes, not only at the first Joint Meeting but at all subsequent Joint Meetings, and in all matters of co-operation between the Company and its employes, until the employes in like meeting shall designate some other person to represent them. It is, therefore, highly important that the employes choose with the utmost care the one of their number in whom they have most confidence."

I have received, from the President of the Company, a telegram informing me that this joint conference was held at Denver on the 19th instant, that the meeting had proved most satisfactory to all concerned and that its spirit had convinced the management that it would lead to more active co-operation between the Company and its employes in the future.

Thus, it will be seen that the Company has already taken steps to initiate a plan of representation of its employes. It is my hope and belief that from this will develop some permanent machinery which will insure to the employes of the Company, through representatives of their own selection, quick and easy access to the officers, with reference to any grievances, real or assumed, or with reference to wages or other conditions of employment.

At a hearing on the Colorado situation in Washington in May, 1915, no further information was obtained regarding the development of this plan. Mr. W. L. Mackenzie King had visited Colorado during March and April and had studied the situation there as director of the Rockefeller Foundation's investigation in the field of industrial relations. He made it clear that his object was research, and that he would study the situation rather from a theoretic and academic standpoint than with the purpose of influencing the immediate situation in Colorado. He even refused to give to the Commission a statement of what he had found the situation in Colorado to be, and defied the authority of the Government to compel him to answer. Mr. Rockefeller's statement on January 25 must therefore be accepted as an adequate description of the new plan in its present state of development.

The correspondence and statements already quoted show that so far from being a plan that provides for collective bargaining, it is a plan conceived and executed by men who were determined that no element of real collective bargaining should enter into it.

The effectiveness of such a plan lies wholly in its tendency to deceive the public and lull criticism, while permitting the Company to maintain its absolute power.

Reverend Mr. Gaddis continued to serve the Company as superintendent of its Sociological Department until February, 1915, or several weeks after the date on which the new plan became operative. Testifying before this Commission at Washington, he said

> Of the much advertised welfare agent, "as a mediator between the Company and its employes," we believe his work will only tend to intensify the despicable oppressiveness of the past few years. One super at least has already been informed, sub rosa, that there need be no undue concern about this new officer limiting their suzerainty. He had been in field but a few weeks when he effected the discharge of a man with a family to support, on the word of a woman of questionable character. The

evicted employe was given no opportunity to present his side of the case.

It is almost farce to presume that a pet appointee would fearlessly and impartially bring things to the surface, that would disturb the imperturbable equanimity of the one who must O. K. his monthly salary account.

The assembling of camp delegates in Bowers' old office on January 19th in which complaints were solicited; and a generally bumptious good time with free auto rides, banquet and theatre party as a part of the program; in addition to all expenses being paid to and from their respective camps, was a decided hit.

Chairman Walsh: What were the camp delegates? What do you mean by that? Is that this new scheme they call collective bargaining out there, by which the employees can present grievances for adjustment?

Dr. Gaddis: That is what it is claimed.

Chairman Walsh: You call them "camp delegates," and that they had a convention. How do you say it was done?

Dr. Gaddis: These men were elected; and the orders given were from Denver that no local officials should attend the meeting of any camp where they were elected; but that the men were to elect their own men,—that was the supposition,—to go up there and air their grievances before Mr. Welborn and Mr. Weitzel and a mediator, Mr. David Griffiths. It was said:

"And many of the men showed a freedom such as one might expect from them in a meeting exclusively of their immediate associates." If two of the members of this "Denver Convention" represented the rank and file of that body, the norm of the past years will not be altered. One of these said members, has for some time, made more money in his camp than the super himself.

Another son of Ham who sat in this first assembly of coal camp Patricians and Plebeians, owned the company store a bill of over $80 which the manager had almost despaired of collecting; and for more than a year this same accredited subject had been paying back the store on a $100 advanced for his wife's funeral expenses.

Chairman Walsh: Now this was a negro, was he?

Dr. Gaddis: Yes, sir.

Chairman Walsh: Now, you say, however, the men were given to understand that they would choose these men democratically,—that is, the company was not to interfere?

Dr. Gaddis: I do.

Chairman Walsh: Well, then, for instance, take this sort of a case, how would it work out, the criticism of this man being that he was beholden to the company for an indebtedness? First, I will ask you, is that a negro camp?

Dr. Gaddis: No, sir.

Chairman Walsh: How did he happen to be representing the white men there,—a man that was so——

Dr. Gaddis: I could not say, Mr. Walsh. There are some things that happen that I cannot explain.

Chairman Walsh: Go ahead.

Dr. Gaddis (reading): A good square kick could hardly be expected from such sources.

Again the remembrance of so many of their former comrades being "canned," or squealing, would not be forgotten amidst the grandeur and informality of their temporary environment.

A few weeks after this meeting a representative from headquarters inquired of a super if "the men thought we were trying to put one over on them?" There is room for suspicion that "one is being put over" on the public and that the various investigating committees are having dust thrown into their eyes; for, Presto, the lion has been changed into the lamb.

If the investigating committees can be kept out of Colo-

> rado for the next six months or a year the old shackles of oppression will have received so many new rivets, that it will take the hellish fires of another strike to loosen them.

Mr. Welborn's conception of collective bargaining and of an ideal arrangement for safeguarding the wage earners' interests is expressed in the following sentence in his letter of October 9, 1914:

> I am impressed with the importance of so composing whatever committees are found advisable as to make it appear that they all represent some interest; in other words, that there is but one interest which is in every sence of the word common, yet having it understood that the committee is as free to consider any complaints or grievances of the men as though it were one actually of their own selection.

This notion that the interests of the employer and employee are common when applied to distribution of product is a fallacy that can hardly be advanced with sincerity by a man of intelligence. Yet it apparently animates Mr. Rockefeller's attitude, and he even considers it consistent with the existence of a system of collective bargaining. It need scarcely be pointed out, first, that the plan outlined by the letters and testimony here quoted does not provide an effective organization of the Company's own employees, and, second, that if it did these employes would still be unable to maintain bargaining equality without the support of a nation-wide organization such as only the United Mine Workers can give.

JAN 24 1917